

# OAK RIDGE CITY COUNCIL MEETING

Municipal Building Courtroom

March 9, 2009 – 7:00 p.m.

## AGENDA

1. **INVOCATION**

The Reverend Eugene Grace, Calvary Lighthouse United Pentecostal Church

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPEARANCE OF CITIZENS**

5. **APPROVAL OF AGENDA**

6. **RECOGNITION OF VISITORS**

7. **PROCLAMATIONS AND COURTESY RESOLUTIONS**

A proclamation designating the month of April, 2009, as "Child Abuse Prevention Month."

A proclamation designating the week of April 12–18, 2009 as "Library Week."

8. **PUBLIC HEARING**

Adoption of an ordinance to amend Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," by amending Section 9.07, titled "Floodplain Regulations," Subsection (f)(2), to include the effective date of the new Federal Emergency Management Agency (FEMA) flood maps, and by amending Section 9.08, titled "F, Floodway Districts; Fringe Area," Subsections (b) and (c) to include the new effective dates of various flood maps, all for the purpose of compliance with FEMA requirements.

9. **CONSENT AGENDA**

- a. Approval of the Minutes of the February 9, 2009 City Council meeting.
- b. Adoption of a proclamation designating April 5–11, 2009 as "Contract Management Week."
- c. Adoption of a proclamation designating the month of April, 2009 as "Fair Housing Month."
- d. Adoption of a resolution awarding a contract in the estimated amount of \$47,222.00 to Rogers Group, Inc., Oak Ridge, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the construction of a parking lot at Energy Solutions Soccer Field.
- e. Adoption of a resolution approving Amendment No. 1 to the agreement dated March 1, 2001 between the City of Oak Ridge and the Cumberland Utility District, which amendment provides for the compensation to be adjusted per the rate increases approved by Cumberland Utility District and updates the notice requirements.

**10. SPECIAL REPORTS**

- a. Mayor and City Council
- b. Special Committees
- c. Boards and Commissions
- d. Other

Oak Ridge Site Specific Advisory Board

Mr. Steve Dixon, Chair

**11. APPROVAL OF MINUTES**

**12. ORDINANCES**

- a. First Reading of New Ordinances

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-305, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-305, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE.

- b. Adoption of Ordinances (Second Reading)

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," SUBSECTION (F)(2), TO INCLUDE THE EFFECTIVE DATE OF THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED "F, FLOODWAY DISTRICTS; FRINGE AREA," SUBSECTIONS (B) AND (C) TO INCLUDE THE NEW EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

AN ORDINANCE TO REPEAL ORDINANCE NO. 2-09 WHICH AMENDED TITLE 18, TITLED "WATER AND SEWERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "SEWER USE ORDINANCE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3 OF THE SAME TITLE.

AN ORDINANCE TO AMEND TITLE 18, TITLED "WATER AND SEWERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "SEWER USE ORDINANCE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3, TITLED "SEWER USE ORDINANCE," TO UPDATE THE EXISTING SEWER USE PROVISIONS FOR COMPLIANCE WITH THE REQUIREMENTS SET FORTH BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION.

13. **RESOLUTIONS**

a. **General Resolutions**

A resolution adopting the *FY 2010 Financial Policy Guidelines* as recommended by City Council's Budget and Finance Committee for use by the City Manager and his staff in developing the City of Oak Ridge proposed budget for Fiscal 2010.

A resolution authorizing Aid to Distressed Families of Appalachian Counties, Inc., (ADFAC) to submit on the City's behalf a grant application in the not to exceed amount of \$500,000, including all understandings and assurances contained therein, to the Tennessee Housing Development Agency (THDA) for 2009 HOME grant program funds to promote the rehabilitation of housing for low-income households in Oak Ridge.

A resolution granting permits to engage in the retail sale of alcoholic beverages in the city at the indicated locations for the year 2009-2010, and waiving the residency requirement for nonresident applicants.

A resolution authorizing the Mayor to sign and issue certificates of compliance for persons granted permits to engage in the retail sale of alcoholic beverages in the city for the year 2009-2010.

A resolution authorizing the transmittal of comments titled *City of Oak Ridge Comments on the Proposed Major Modification to the Federal Facilities Agreement for the Oak Ridge Reservation (February 2009)* to the U.S. Department of Energy, the Environmental Protection Agency, and the State of Tennessee as the official comments of the City of Oak Ridge.

A resolution authorizing the transmittal of comments titled *City of Oak Ridge, Tennessee Comments on the Draft Global Nuclear Energy Partnership Programmatic Environmental Impact Statement, DOE/EIS-0396* to the U.S. Department of Energy as the official comments of the City of Oak Ridge.

b. **Bids and Contracts - None**

14. **ELECTIONS**

Election of one (1) member to serve on the Board of Electrical Examiners for a three-year term of office commencing on March 11, 2009.

Election of two (2) members to serve on the Highland View Redevelopment Advisory Board for three-year terms of office commencing on April 1, 2009.

Election of one (1) member to serve on the Industrial Development Board for the balance of an unexpired term of office ending on May 1, 2014.

Election of one (1) member to serve on the Board of Plumbing Examiners for a three-year term of office commencing on March 11, 2009.

**Notice of Elections**

Two (2) elections are scheduled for the April 13, 2009 City Council meeting to appoint:

- One (1) member to the Environmental Quality Advisory Board
- Three (3) members to the Health and Educational Facilities Board

The deadline for filing is 5:00 p.m. on Tuesday, March 31, 2009.

15. **COMMUNICATIONS**

A communication from Allen S. Billis, owner and operator of the Magnolia Tree Restaurant, requesting consideration of 18 months of property tax abatement based on the restaurant's declining business due to the heavy construction on the Oak Ridge Turnpike.

16. **CITY MANAGER'S REPORT**

17. **CITY ATTORNEY'S REPORT**

18. **UNFINISHED BUSINESS**

19. **NEW BUSINESS**

20. **MISCELLANEOUS**

21. **UPCOMING MEETINGS/MAJOR ISSUES**

22. **ADJOURNMENT**

**PROCLAMATIONS  
AND COURTESY  
RESOLUTIONS**

**CITY CLERK MEMORANDUM  
09-08**

DATE: February 12, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

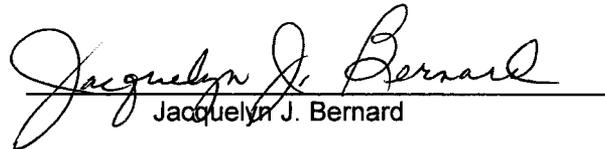
SUBJECT: PROCLAMATIONS

**CHILD ABUSE PREVENTION MONTH**

The accompanying proclamation is presented for the Council's consideration at the request of Ms. Marcia Slagle, Healthy Start of Anderson County Program Director. Ms. Slagle will be present at the March 9<sup>th</sup> Council meeting to receive the proclamation.

**LIBRARY WEEK**

The accompanying proclamation is presented for the Council's consideration at the request of Ms. Kathy McNeilly, Director of the Oak Ridge Public Library, who will be present at the March 9<sup>th</sup> Council meeting to receive the proclamation.

  
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Jacquelyn J. Bernard

Attachments

# PROCLAMATION

WHEREAS, the children of the City of Oak Ridge are one of the most precious resources in our community and provide hope for a brighter tomorrow; and

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, effective child abuse prevention succeeds because of partnerships between parents, practitioners, schools, faith communities, health care organizations, law enforcement agencies, and the business community; and

WHEREAS, all citizens need to be more aware of child abuse and neglect and its prevention within the community, and be involved in supporting parents to raise their children in a safe, nurturing society; and

WHEREAS, public awareness regarding child abuse and neglect is encouraged by Healthy Start/Healthy Families of Anderson County and by other local organizations; and

WHEREAS, the City of Oak Ridge supports strongly the implementation of effective programs to prevent child abuse.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the month of April, 2009 be proclaimed

## CHILD ABUSE PREVENTION MONTH

in the City of Oak Ridge, Tennessee, and that all citizens, community agencies, religious organizations, medical facilities, and businesses be urged to increase their participation in efforts to prevent child abuse and neglect, thereby strengthening the community in which we live.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 9<sup>th</sup> day of March in the year 2009.

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Mayor

# PROCLAMATION

**WHEREAS**, our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans, today more than ever; and

**WHEREAS**, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

**WHEREAS**, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

**WHEREAS**, library use is up nationwide among all types of library users, continuing a decade-log trend; and

**WHEREAS**, libraries play a vital role in supporting the quality of life in their communities; and

**WHEREAS**, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and

**WHEREAS**, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide"; and

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week with *The Campaign for America's Libraries*.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE** that the week of April 12–18, 2009 be proclaimed

## **LIBRARY WEEK**

in the City of Oak Ridge, Tennessee, and that all residents be encouraged to visit the library this week to take advantage of the wonderful library resources available and thank their librarians and library workers for making information accessible to all who walk through the library's doors. Worlds connect @ your library.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 9<sup>th</sup> day of March in the year 2009.

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Mayor

# **PUBLIC HEARING**

**CITY CLERK MEMORANDUM**  
09-10

DATE: February 26, 2008

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PUBLIC HEARING

A public hearing has been scheduled for the March 9, 2009 City Council meeting on the following:

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," SUBSECTION (F)(2), TO INCLUDE THE EFFECTIVE DATE OF THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED " F, FLOODWAY DISTRICTS; FRINGE AREA," SUBSECTIONS (B) AND (C) TO INCLUDE THE NEW EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

Supporting documentation will be found under Adoption of Ordinances (Second Reading).

  
City Clerk

# **CONSENT AGENDA**

**CITY CLERK MEMORANDUM**

09-11

DATE: February 26, 2009  
TO: Honorable Mayor and Members of City Council  
FROM: Jacquelyn J. Bernard, City Clerk  
SUBJECT: CONSENT AGENDA

The following items are presented for the Council's consideration as the Consent Agenda for the March 9, 2009 City Council meeting.

Approval of Minutes – February 9, 2009

Proclamations

Adoption of a proclamation designating April 5–11, 2009 as "Contract Management Week."

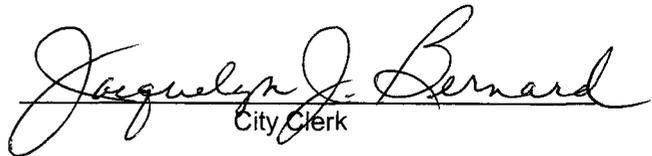
Adoption of a proclamation designating the month of April, 2009 as "Fair Housing Month."

Resolutions – Bids and Contracts

Adoption of a resolution awarding a contract in the estimated amount of \$47,222.00 to Rogers Group, Inc., Oak Ridge, Tennessee, for the furnishing of all labor, tools, materials, equipment and supplies necessary to perform all work and services for the construction of a parking lot at Energy Solutions Soccer Field.

Adoption of a resolution approving Amendment No. 1 to the agreement dated March 1, 2001 between the City of Oak Ridge and the Cumberland Utility District, which amendment provides for the compensation to be adjusted per the rate increases approved by Cumberland Utility District and updates the notice requirements.

**The documentation for these items follows this memorandum.**

  
City Clerk

# MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

February 9, 2009

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on February 9, 2009 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

## INVOCATION

The Reverend Robert May, Family Bible Church, gave the Invocation.

## PLEDGE OF ALLEGIANCE

Mr. Roger Ward, the Principal of Linden Elementary School, led the Pledge of Allegiance to the Flag of the United States of America.

## ROLL CALL

Upon roll call, the following members of Council were present: Willie Golden, Jr., Thomas W. Hayes, L. Charles Hensley, D. Jane Miller, David N Mosby, Ellen D. Smith, and Mayor Thomas L. Beehan.

Also present were James R. O'Connor, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Jacquelyn J. Bernard, City Clerk.

## APPEARANCE OF CITIZENS - None

## APPROVAL OF AGENDA

The Mayor announced that second reading of the following ordinance has been removed from the agenda at the request of Mr. John R. Chilton, Chief Manager of Centennial Village Development, LLC:

An Ordinance To Amend Ordinance No. 2, Titled "The Zoning Ordinance Of The City Of Oak Ridge, Tennessee," By Amending The Zoning Map Which Is Made A Part Of The Ordinance By Changing The Zoning District Of An Approximate 29.3 Acre Portion Of Parcel 1.01, Map 101g, Group A, From R-1-B, One-Family Residential District, To R-4, High Density Residential District; An Approximate 44.3 Acre Portion Of Parcel 1.01, Map 101g, Group A, From R-1-B, One-Family Residential District, To B-2, General Business District; An Approximate 10.7 Acre Portion Of Parcel 1.01, Map 101g, Group A, From R-3, Multiple-Family Residential And Hotel District, To R-4, High Density Residential District; And An Approximate 8.9 Acre Portion Of Parcel 1.01, Map 101g, Group A, From R-3, Multiple-Family Residential And Hotel District, To B-2, General Business District; And To Approve The Revised Preliminary Master Plan For Centennial Village At Melton Lake As Submitted By Centennial Village Development, LLC, Which Contains A PUD, Planned Unit Development District, Overlay On Said Parcel; And Amending The Comprehensive Plan's Land Use Plan By Changing The Designation Of An Approximate 76.8 Acre Portion Of Said Parcel From R, Residential And P, Public To B, General Business.

The Mayor then asked if any Council member wished to further amend the agenda. No motions were forthcoming.

Councilman Hayes moved that the agenda be approved as amended. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

### **RECOGNITION OF VISITORS**

Mayor Beehan welcomed all visitors to the meeting, according special recognition to Ms. Marion Pitz of 113 Garnett Lane , Ms. Laurie Payne of 186 Valley Forge Drive, and Ms. Michelle Doka, 255 Gum Hollow Road, representatives of a group of concerned parents who pooled their resources and purchased LED vests to improve the visibility of the City's school crossing guards.

### **PROCLAMATIONS AND COURTESY RESOLUTIONS** - None

### **PUBLIC HEARING** - None

### **CONSENT AGENDA**

Councilman Hensley moved that the Consent Agenda be approved a presented. The motion was seconded by Councilwoman Smith and was adopted, thereby:

- Approving the Minutes of the January 12, 2009 City Council Meeting;
- Adopting a proclamation designating March 6, 2009 as "Arbor Day";
- Adopting Resolution No. 2-8-09 authorizing the submission of an application for set-aside Emergency Shelter Grant Program (ESGP) funds from the Tennessee Housing Development Agency, through the U.S. Department of Housing and Urban Development Emergency Shelter Grant Program, in the estimated amount of \$33,856 to fund ESGP activities and to aid qualified organizations in their application efforts for competitive ESGP funding; and
- Adopting Resolution No. 2-9-09 approving a Professional Services Agreement between the City and the Arts Council of Oak Ridge to provide entertainment, production support, activities, and programs related to the upcoming 2009 Secret City Festival in an amount not to exceed \$150,000.

The vote was unanimous with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

### **SPECIAL REPORTS**

#### **Energy Communities Alliance Annual Conference**

Mayor Beehan, who serves as the City's representative on the Board of Directors of the Energy Communities Alliance (ECA), reported that he plans to attend the ECA Annual Conference which will be held February 11–13, 2009 in Washington, D.C. He also announced his plans to make satellite visits to the City's Congressional representatives and to the new Secretary of Energy, Steven Chu.

#### **Recycling Program Participants**

Mayor Beehan announced that 20+ local businesses will be participants in the Recycle Bank coupon program that will begin next month in Oak Ridge. He read the names of those businesses.

Roane County Long Range Recovery Committee

Councilman Hensley, who serves as the City's representative on the Long Range Recovery Committee established by Roane County Mayor Mike Farmer to address the recent ash spill at the Tennessee Valley Authority's Kingston Steam Plant, presented a detailed report that included photographs of the spill sites. He indicated that he would keep the Council apprised of the Committee's work in this regard.

Budget and Finance Committee

Councilman Hayes, who chairs the Council's Budget and Finance Special Committee, announced that the committee will meet tomorrow, February 10, 2009, at 5:30 p.m. in the Municipal Building Training Room.

Linden Wagga Wagga Warriors (First Lego League Team from Linden Elementary School)

Mayor Beehan introduced Mr. Roger Ward, Principal of Linden Elementary School, who in turn introduced members of the Linden Wagga Wagga Warriors, who competed at the Tennessee State First Lego League Competition with 51 teams of 9–14 year olds from across the state. The following team members reported on the event – Eli Clayton, Kevin Mihealsick, Lucas Dunning, Michael Zheludev, Andreas Franco, Luke Buckner, and Brandon Villasana. Master Clayton reported that the team took the second place robotics performance award and second place grand championship award, and will represent the state of Tennessee at the First Lego League U.S. Open Championship event in May 2009.

The Mayor and Council members commended the team for their work and for their ideas related to environmental improvements in Oak Ridge. It was suggested that they present those ideas to the City's Environmental Quality Advisory Board.

**APPROVAL OF MINUTES**

See Consent Agenda.

**ORDINANCES**

First Reading of New Ordinances

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," SUBSECTION (F)(2), TO INCLUDE THE EFFECTIVE DATE OF THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED "F, FLOODWAY DISTRICTS; FRINGE AREA," SUBSECTIONS (B) AND (C) TO INCLUDE THE NEW EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

Councilman Golden moved that the ordinance be approved on first reading, seconded by Councilwoman Miller.

Councilwoman Smith questioned the accuracy of the following sentence as it appears in the proposed amendment of the Zoning Ordinance's Section 9.08 (c), Floodway Fringe Area:

Development within these areas, although subject to flooding, will not adversely affect the height or velocity of floodwaters."

The City Manager agreed that the staff would examine this sentence and report on its accuracy at the time of second reading.

The ordinance was approved on first reading by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

AN ORDINANCE TO REPEAL ORDINANCE NO. 2-09 WHICH AMENDED TITLE 18, TITLED "WATER AND SEWERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "SEWER USE ORDINANCE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3 OF THE SAME TITLE.

Councilman Golden moved that the ordinance be approved on first reading. The motion was seconded by Councilman Hensley and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

AN ORDINANCE TO AMEND TITLE 18, TITLED "WATER AND SEWERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "SEWER USE ORDINANCE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3, TITLED "SEWER USE ORDINANCE," TO UPDATE THE EXISTING SEWER USE PROVISIONS FOR COMPLIANCE WITH THE REQUIREMENTS SET FORTH BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION.

Councilman Golden moved that the ordinance be approved on first reading. The motion was seconded by Councilman Hensley and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Adoption of Ordinances (Second Reading) - None

## **RESOLUTIONS**

### General Resolutions

Resolution No. 2-10-09

**A resolution awarding City funding in the amount of \$6,500.00 to the Oak Ridge Charter Commission, which funding shall comprise the budget of the Commission and shall be used to compensate a recording secretary and to cover the cost of advertising for the duration of the Commission's term.**

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilman Hensley and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 2-11--09

**A resolution ratifying the *Anderson County Growth Plan, 2009 Amended Version*, dated January 1, 2009.**

Councilwoman Smith moved that the resolution be adopted. The motion was seconded by Councilman Hensley and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

Resolution No. 2-12-09

**A resolution denying the request by Anderson County for the City to increase the previously agreed upon monthly rent contribution of an amount not to exceed \$2,500.00 for the lease of the former Oak Ridge Utility District building for General Sessions Court, Division II, as established by Resolution No. 7-76-07.**

Councilwoman Miller moved that the resolution be adopted, seconded by Councilman Hensley.

Anderson County Commissioner Scott Gillenwaters presented the Board of Commissioners' case in support of its request that the City increase its monthly rent contribution to \$3,600.00 to cover the additional costs associated with building renovations.

Councilman Golden declared that he would abstain from voting on this matter due to his status as an employee of Anderson County. He indicated that he wished to avoid any appearance of impropriety in this regard.

The resolution was adopted by roll call vote with Council members Hayes, Hensley, Miller, Mosby, Smith and Mayor Beehan voting "Aye." Councilman Golden abstained.

#### Bids and Contracts

Resolution No. 2-13-09

**A resolution awarding a contract in the estimated amount of \$408,434.98 to Wescon, Inc., Knoxville, Tennessee, for the furnishing of all labor, materials, tools, equipment and supplies necessary to perform all work and services for the wastewater system rehabilitation program and annual sewer point repair project.**

Councilman Golden moved that the resolution be adopted. The motion was seconded by Councilman Hayes and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith and Mayor Beehan voting "Aye."

Resolution No. 2-14-09

**A resolution authorizing the City to enter into a contract with the Tennessee Department of Transportation for the resurfacing of designated City streets utilizing approximately \$548,000 of the City's allocated State Transportation Program funds, to be matched with approximately \$137,000 City funds.**

Councilwoman Miller moved that the resolution be adopted. The motion was seconded by Councilman Hensley and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

#### ELECTIONS

##### Oak Ridge Municipal Planning Commission

On first ballot, Ms. Suzanne Koehler and Ms. Claudia Lever were elected to serve on the Oak Ridge Municipal Planning Commission for four-year terms of office commencing on February 11, 2009. The vote was unanimous for each with all Council members present and voting. Ms. Jo Ellen Iacovino, the one remaining candidate, received no votes.

Notice of Elections

Mayor Beehan announced that five (5) elections are scheduled for the March 9, 2009 City Council meeting to appoint:

- One (1) member to the Board of Electrical Examiners
- Three (3) members to the Health and Educational Facilities Board
- Two (2) members to the Highland View Redevelopment Advisory Board
- One (1) member to the Industrial Development Board
- One (1) member to the Board of Plumbing Examiners

The deadline for filing is 5:00 p.m. on Tuesday, February 24, 2009.

**COMMUNICATIONS**

**A communication from Mr. Jimmy Groton, Chairman of the Environmental Quality Advisory Board, requesting that the City of Oak Ridge revise its open burning ordinance.**

Councilman Hensley moved that the communication be referred to the staff for review and return of a recommendation to the Council. The motion was seconded by Councilwoman Smith and after brief deliberation, it carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

**A communication from Mr. Terry C. Domm, Chairman of the Oak Ridge Municipal Planning Commission, transmitting to City Council the Capital Improvements Program for FY 2010–2015.**

Councilwoman Smith moved that the Capital Improvements Program be accepted. The motion was seconded by Councilman Hayes and carried by unanimous voice vote with Council members Golden, Hayes, Hensley, Miller, Mosby, Smith, and Mayor Beehan voting "Aye."

**CITY MANAGER'S REPORT**

I. Government Finance Officers Association – Distinguished Budget Presentation Award

The City Manager reported that the Government Finance Officers Association of the United States and Canada has awarded its Distinguished Budget Presentation Award to the City for the fiscal 2009 budget document. He advised that this is the 25<sup>th</sup> year that the City has received this award.

II. Debt Refinance

The City Manager reported that the City recently refinanced two of its outstanding variable rate loans into fixed rate issues. He advised that the refinanced loans are Electric Revenue Series II-E-1 and General Fund Series A-1-B in a total principal amount of \$28,960,000, and the refinancing was completed at a very attractive rate of 3.77 percent and will be closed on February 3, 2009.

**CITY ATTORNEY'S REPORT**

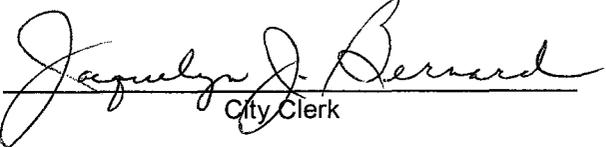
The City Attorney reported that the City Council work session on ethics has been confirmed for February 23, 2009 at 5:30 p.m. and the speaker will be a staff member with the Tennessee Ethics Commission.

**MISCELLANEOUS**

At the request of the Mayor, the City Manager commented briefly on the new recycling program which is scheduled to begin March 2<sup>nd</sup>, with delivery of the new recycle bins to begin this week. He advised that a recycling "hotline" (telephone number) has been established for citizens wishing to call about the program, as well as an e-mail address.

**ADJOURNMENT**

The meeting adjourned at 8:22 p.m.

  
City Clerk

**CITY CLERK MEMORANDUM  
09-09**

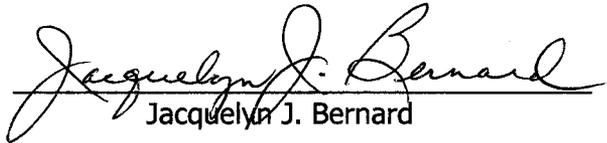
DATE: February 26, 2009  
TO: Honorable Mayor and Members of City Council  
FROM: Jacquelyn J. Bernard, City Clerk  
SUBJECT: CONSENT AGENDA PROCLAMATIONS

CONTRACT MANAGEMENT WEEK

The accompanying proclamation is presented for the Council's consideration at the request of Rebecca Crowe, East Tennessee Chapter President, National Contract Management Association.

FAIR HOUSING MONTH

The accompanying proclamation is recommended by the U. S. Department of Housing and Urban Development as part of the City's participation in the Community Development Block Grant Program.

  
Jacquelyn J. Bernard

Attachment

# PROCLAMATION

WHEREAS, the **National Contract Management Association** is a nonprofit organization started in 1959, now with 140 chapters and over 18,000 members, whose goals are directed primarily toward ethical behavior, education, and promotion of professional relationships between contract managers; and

WHEREAS, the diverse world of contract management is made up of professionals working in a variety of positions in the federal government, academia, state and local government, and private industry, both large corporations and small businesses; and

WHEREAS, highly skilled professional managers make up the workforce to effectively administer the contracts that are vital to our nation's economy and security; and

WHEREAS, the City of Oak Ridge finds it appropriate to set aside a special time to recognize and honor the thousands of contracting and procurement professionals within government and private industry.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that April 5-11, 2009, be proclaimed

## CONTRACT MANAGEMENT WEEK

in the City of Oak Ridge, Tennessee, and that all citizens be urged to join in congratulating the sponsors and participants of *Contract Management Week* and in extending best wishes for a successful and rewarding observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 9th day of March in the year 2009.

---

Mayor

# **PROCLAMATION**

WHEREAS, each year since the enactment of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, the Federal Government designates April, the anniversary month of that law, as "Fair Housing Month"; and

WHEREAS, because fair housing is consistent with the principle of equality and justice for all—a principle upon which our nation was founded—all of us should share in the fight to ensure that fair housing is a reality for all Americans; and

WHEREAS, fair housing is the policy of the City of Oak Ridge. On April 21, 1969, the Oak Ridge City Council adopted a Fair Housing Ordinance, which is one of the first of its kind in the State of Tennessee; and

WHEREAS, implementation of that policy requires the continuing positive commitment, involvement and support of each one of our citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the month of April, 2009 be proclaimed

## **FAIR HOUSING MONTH**

in the City of Oak Ridge, Tennessee, and that all Oak Ridgers be urged to join in reaffirming the obligation and commitment to fair housing opportunities for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 9<sup>th</sup> day of March in the year 2009.

---

Mayor

RECREATION AND PARKS MEMORANDUM  
09-01

DATE: February 25, 2009  
TO: James R. O'Connor, City Manager  
FROM: Josh Collins, Recreation and Parks Director  
SUBJECT: CONTRACT AWARD FOR THE CONSTRUCTION OF A PAVED PARKING LOT TO SERVE THE ENERGY SOLUTIONS SOCCER FIELD

The accompanying Resolution awards a contract to Rogers Group, Inc., in the estimated amount of \$47,222.00 for the construction of a paved parking lot at the Energy Solutions Soccer Field.

The proposed project envisions the construction of a paved, 39-space parking lot at the corner of Bus Terminal Road and Laboratory Road adjacent to the Energy Solutions Field. The proposed lot will not only serve visitors and participants at the soccer field, but will also serve as overflow parking for the softball fields at Pinewood Park and Carl Yearwood Park. Two spaces will be provided for handicap parking.

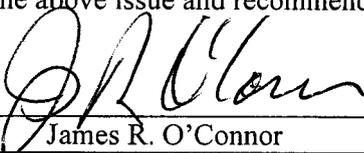
In 2008, improvements were made to upgrade the former soccer practice area at Pinewood Park to a game-quality field. The renovations were performed through a cooperative effort between the local AYSO chapter, SCOR, and the City of Oak Ridge, with substantial funding for the field provided by Energy Solutions. Field improvements included re-grading the playing field, installation of an automatic irrigation system, Bermuda grass turf, and installation of a chain-link fence surrounding the field. The proposed parking lot will replace an existing gravel parking area adjacent to Bus Terminal Road. The new parking lot is the final major piece of this project. The renovated facility will provide area soccer organizations with an additional game field to support league play and soccer tournaments held in Oak Ridge.

Staff recommends approval of the accompanying Resolution as submitted. Funding for the project has been included in the Capital Projects Fund.

Attachments

City Manager's Comments:

I have reviewed the above issue and recommend Council action as outlined in this document.

  
James R. O'Connor

  
Date



NUMBER \_\_\_\_\_

**RESOLUTION**

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of all labor, tools, materials, equipment and supplies necessary for construction of a parking lot at Energy Solutions Soccer Field; and

WHEREAS, bids were received and publicly opened on February 19, 2009, with Rogers Group, Inc., submitting the lowest and best bid, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing all labor, tools, materials, equipment and supplies necessary to perform all work and services for the construction of a parking lot at Energy Solutions Soccer Field; said award in strict accordance COR 09-02, the required specifications, and the bid as publicly opened on February 19, 2009, and in the estimated amount of \$47,222.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 9th day of March 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**PUBLIC WORKS MEMORANDUM**  
**09-05**

**DATE:** February 23, 2009  
**TO:** James R. O'Connor, City Manager  
**FROM:** Gary M. Cinder, P.E., Public Works Director  
**SUBJECT:** **Amendment to the Purchased Water Agreement with Cumberland Utility District**

The accompanying resolution authorizes an amendment to the City's agreement with Cumberland Utility District for the wholesale purchase of water for the Rarity Ridge development.

The original agreement dated March 1, 2001 (Resolution 2-35-01), was for the provision of up to 300,000 gallons of water per day to the City at a wholesale cost of \$2.00 per thousand gallons, with a minimum purchase of 50,000 gallons per month. The original agreement states that the terms for compensation will be reviewed every two years.

The proposed amendment allows for two changes to the original agreement. The first change would allow for the terms for compensation to be adjusted per the rate increases approved by Cumberland Utility District. This change will allow for incremental changes as needed instead of negotiated changes. Staff believes that this process will be convenient and fair to both parties. The second change is to remove the specific names of the Cumberland Utility District Manager and the Oak Ridge City Manager, replacing the specific names with titles only. By eliminating the specific names, it will allow for the agreement to continue without an additional amendment(s) when either party has a change in the manager position.

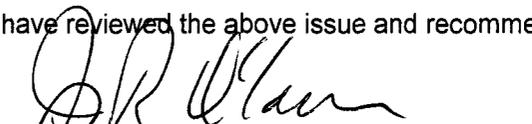
Staff recommends approval of the accompanying resolution.

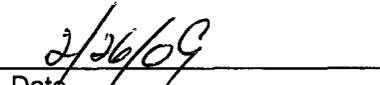
  
\_\_\_\_\_  
Gary M. Cinder

sf

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor, City Manager

  
\_\_\_\_\_  
Date

**RESOLUTION**

WHEREAS, by Resolution 2-35-01, City Council approved an agreement for the City to purchase water from the Cumberland Utility District to serve the Rarity Ridge development; and

WHEREAS, said agreement requires the Cumberland Utility District to furnish up to 300,000 gallons of potable water per day at the wholesale cost of \$2.00 per thousand gallons, with a minimum purchase of 50,000 gallons per month by the City; and

WHEREAS, the agreement provided that the \$2.00 per thousand gallons rate may be increased upon the mutual consent of both parties every two years once the system became operational; and

WHEREAS, the Cumberland Utility District has proposed an amendment to the agreement to provide for the compensation to be adjusted per the rate increases approved by CUD; and

WHEREAS, the proposed amendment also updates the notice provisions; and

WHEREAS, the City Manager recommends approval of the amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached Amendment No. 1 to the Agreement, dated March 1, 2001, between the City of Oak Ridge, Tennessee and the Cumberland Utility District is hereby approved, which amendment provides for the compensation to be adjusted per the rate increases approved by Cumberland Utility District and updates the notice requirements.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 9th day of March 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**AMENDMENT NO. 1**

This Amendment No. 1 to the purchased water agreement, dated March 1, 2001, between the City of Oak Ridge, Tennessee, hereinafter referred to as the "City" and the Cumberland Utility District, hereinafter referred to as "CUD," dated this \_\_\_\_\_ 9th \_\_\_\_\_ day of \_\_\_\_\_ March \_\_\_\_\_, 2009.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 3, titled "Compensation," Item C, is hereby amended by deleting the existing language and replacing it with the following:

The terms for compensation will be the beginning rate of \$2.00 per thousand gallons as stated above (Section 3, Item A) plus the rate increases as approved by Cumberland Utility District.

2. Section 11, titled "Notice," is hereby amended by deleting the specific names of the managers for both the City and CUD, and replacing the same with simply the titles "City Manager" and "Manager," respectively.
3. This Amendment No. 1 shall be effective beginning March 9, 2009.
4. All other terms, conditions and provisions of the agreement, dated March 1, 2001, not in conflict with this Amendment No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the City and CUD have caused this Amendment No. 1 to be executed by the duly authorized representatives thereof.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

CUMBERLAND UTILITY DISTRICT

\_\_\_\_\_  
Board Chairman

Approved by Resolution \_\_\_\_\_

**SPECIAL  
REPORTS**



Many Voices Working for the Community

# Oak Ridge Site Specific Advisory Board

RECEIVED

2009 FEB 23 PM 1:15

OFFICE OF THE CITY CLERK

February 23, 2009

The Honorable Tom Beehan, Mayor  
Members of the Oak Ridge City Council  
City of Oak Ridge  
P.O. Box 1  
Oak Ridge, TN 37831-001

Dear Mayor Beehan and Council Members:

## **Presentation by the Oak Ridge Site Specific Advisory Board**

As a follow-up to the February 6 meeting between the Mayor and members of the Site Specific Advisory Board, we would like to request the opportunity to give a short presentation during a City Council meeting.

The board is a federally chartered citizen's panel formed in 1995, whose members are appointed by the Secretary of Energy to provide recommendations to the U.S. Department of Energy on its Oak Ridge Environmental Management Program. Enclosed are copies of the board's informational brochure and our latest *Advocate* newsletter.

We hope this presentation will provide an opportunity to educate council members and the public about the board and allow us to learn more about the City's interests regarding the DOE Environmental Management Program and the role the advisory board plays in the decision-making process.

Please contact Pete Osborne of our support office at 241-4583 with any questions.

Sincerely,

Steve Dixon, Chair  
Oak Ridge Site Specific Advisory Board

cc: Pat Halsey, DOE  
Kevin Westervelt, ORSSAB

Enclosures

**ORDINANCES**  
**FIRST READING**

**COMMUNITY DEVELOPMENT MEMORANDUM  
CODE ENFORCEMENT DIVISION  
09-13**

DATE: February 25, 2009  
TO: James O'Connor, City Manager  
THROUGH: Kathryn G. Baldwin, Community Development Director *KGB*  
FROM: Timothy P. Ward, Community Development Division Manager *TW*  
RE: CODE ADOPTION

During our last full code adoption process, staff indicated that future adoptions would be suggested to stay current with the State of Tennessee thereby allowing our city to inspect in accordance with state standards. In late January of this year, the State Fire Marshall's office did in fact adopt by rule the 2008 NEC (National Electrical Code). City staff, in concert with the Board of Electrical Examiners, has reviewed the provisions contained within this newest edition and has found them to be consistent with our objectives of providing safe electrical practices throughout the construction industry.

A few of the changes between the 2005 and 2008 NEC editions are herein provided as a sampling of the many changes that occur in a three-year cycle. Also attached is a letter dated January 19, 2009 by Wayne Garber, the Chairman of the Board of Electrical Examiners and the January 14, 2009 Board minutes wherein the Board approved and recommended the adoption by Council of this newest edition of the NEC.

Staff would also like to recommend the adoption of the 2008 National Electrical Code to be used along with our International construction codes.

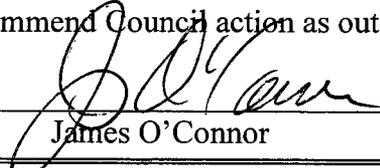


\_\_\_\_\_  
Tim Ward

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_  
James O'Connor

*2/26/09*  
\_\_\_\_\_  
Date

# CITY OF OAK RIDGE



Code Enforcement Division  
Oak Ridge Board of Electrical Examiners

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POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

January 19, 2009

City of Oak Ridge  
Mr. Tim Ward  
PO Box 1  
Oak Ridge TN 37831

Subject: Adopting the 2008 National Electrical Code

Dear Mr. Ward:

The Oak Ridge Board of Electrical Examiners has for a long time expressed a desire when a new National Electrical Code is available that it should be quickly adopted by the City of Oak Ridge, Tennessee. It is the board's current understanding that the 2008 National Electrical Code is now available and being utilized in the state of Tennessee. Therefore, the Oak Ridge Board of Electrical Examiners is requesting that you bring the new code to the Oak Ridge City Council for adoption as soon as practical.

If you have questions and wish to discuss this with the undersigned please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Wayne Garber".

Wayne Garber, Chairman  
Oak Ridge Board of Electrical Examiners  
Tel: 806-9231

**OAK RIDGE BOARD OF ELECTRICAL EXAMINERS  
COMMUNITY DEVELOPMENT CONFERENCE ROOM**

**MINUTES**

**January 14, 2009**

**PRESENT:** Teresa Arthur, Jeff Lewis, Joe McCarty, Jake Martin - City Staff Member

**ABSENT:** Wayne Garber

Teresa Arthur called the meeting to order at 5:15pm. Role call was taken and Wayne Garber absence was noted for this meeting. After review of the minutes of August meeting, Jeff Lewis made a motion that the minutes from the meeting held August 12, 2008 be approved. Joe McCarty seconded motion. Motion carried.

**NEW BUSINESS**

Review of 2008 NEC amendments and adoption of 2008 NEC, to be presented to City Council by Jake. Joe McCarty made a motion for adoption of amendments and 2008 NEC approval by City Electrical Board Committee and presented to City Council. Jeff Lewis seconded motion. Motion carried.

**Deliberation of Applicants**

Review of Applicants for reciprocity electrical license for \_\_\_\_\_. Joe McCarty made motion that reciprocity license granted. Jeff Lewis seconded motion. Motion carried. After review of Joe Newman's application needs letters of references to submit a complete application prior to review and approval for Electrical board evaluation.

**Staff Report**

Jake Martin presented notice to be sent out to all electrical license holders stating new grounding requirements from NEC 250.52 and the methods approved and accepted by the City of Oak Ridge Code Enforcement. Jake will check with City Electrical Department about contractor's ability to pull meter and shut power down in emergency situations.

**Unfinished Business**

None

**Adjournment**

Jeff Lewis made motion that meeting adjourns at 5:45 pm. Joe McCarty seconded the motion. Motion carried.

---

Teresa L. Arthur

Here are a few of the significant changes from the 08' code that we feel are a great safety benefit,

Article 406.11 the requirement of tamper-proof receptacles in residential homes for child safety

Article 250.52 a (3) the requirement of a footer ground, this is to give a stick built structure a complete grounding system due to everyone using plastic plumbing in building these days, leaving an unsafe grounding system.

Article 210.19 the change that the neutral conductor on the feeders of a load center has to be rated at 100% and not be downsized, due to load changes in industries these days

Article 210.52(g) each separate unfinished portion of a residence has to have it own receptacle outlet.

Article 225.39 this article states that the rating of the feeder disconnect is required to be rated not less than the total of the load added from the various panel fed by this disconnect, and not be derated anymore

TITLE

AN ORDINANCE TO AMEND TITLE 12, TITLED "BUILDING, UTILITY, ETC. CODES," CHAPTER 3, TITLED "ELECTRICAL CODE," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 12-305, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 12-305, TITLED "NATIONAL ELECTRICAL CODE ADOPTED," IN ORDER TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE.

WHEREAS, the City of Oak Ridge adopted by reference the National Electrical Code, 2005 edition; and

WHEREAS, the current version of the National Electrical Code is now the 2008 edition, which has recently been adopted for use by the State of Tennessee; and

WHEREAS, the City desires to adopt the current edition of the National Electrical Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

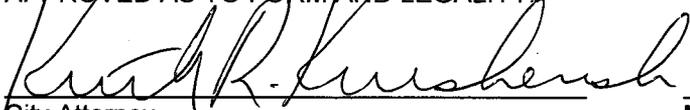
Section 1. Title 12, titled "Building, Utility, Etc. Codes," Chapter 3, titled "Electrical Code," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 12-305, titled "National Electrical Code Adopted," in its entirety and substituting therefor a new Section 12-305, titled "National Electrical Code Adopted," which new section shall read as follows:

Sec. 12-305. National Electrical Code Adopted.

The National Electrical Code, 2008 edition, is hereby adopted by reference and shall become a part of The Electrical Code of the City of Oak Ridge as if copied herein verbatim, except as such code may be in conflict with other provisions of The Electrical Code of the City of Oak Ridge, in which event such other provisions shall prevail.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**ORDINANCES**  
**SECOND READING**

**COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM**  
**09-04**

DATE: January 23, 2009

TO: James O'Connor, City Manager

THROUGH: Kathryn Baldwin, Community Development Director 

FROM: Kahla Gentry, Senior Planner

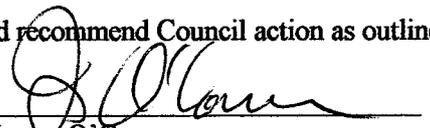
SUBJECT: **FEMA FLOODPLAIN MANAGEMENT ORDINANCE UPDATE**

An item for the February 9, 2009 City Council agenda is an amendment to the Oak Ridge Zoning Ordinance as it pertains to Floodplain Management Regulations. The Federal Emergency Management Agency (FEMA) is in the process of providing updated Flood Insurance Rate Maps (FIRM) and flood insurance studies. FEMA requires the City to adopt the updated maps by ordinance in order to remain in the FEMA flood insurance program. The maps that have been updated include portions of the City of Oak Ridge, but the changes to the flood hazard area boundaries are outside the city limits. At this time the City's floodplain ordinance needs to be amended to reference the effective date of the Anderson County FIRM map as May 4, 2009 and to correct the effective date of the Roane County maps as September 28, 2007. The City previously adopted the Roane County maps effective September 28, 2007, but two references to the effective date were overlooked and are now being corrected. At their regular January meeting the Planning Commission recommended approval of the floodplain ordinance amendment by a vote of 9-0. Staff also recommends approval.

  
\_\_\_\_\_

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
\_\_\_\_\_

James O'Connor

1/27/09  
Date

**TITLE**

AN ORDINANCE TO AMEND ORDINANCE NO. 2, TITLED "THE ZONING ORDINANCE OF THE CITY OF OAK RIDGE, TENNESSEE," ARTICLE IX, TITLED "SPECIAL DISTRICTS," BY AMENDING SECTION 9.07, TITLED "FLOODPLAIN REGULATIONS," SUBSECTION (F)(2), TO INCLUDE THE EFFECTIVE DATE OF THE NEW FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAPS, AND BY AMENDING SECTION 9.08, TITLED " F, FLOODWAY DISTRICTS; FRINGE AREA," SUBSECTIONS (B) AND (C) TO INCLUDE THE NEW EFFECTIVE DATES OF VARIOUS FLOOD MAPS, ALL FOR THE PURPOSE OF COMPLIANCE WITH FEMA REQUIREMENTS.

WHEREAS, the City of Oak Ridge is a participant in the National Flood Insurance Program (NFIP) by its adoption and enforcement of floodplain management ordinances contained in the Zoning Ordinance; and

WHEREAS, as a result of participation in the NFIP, federally-backed flood insurance is available to homeowners, renters and business owners in Oak Ridge; and

WHEREAS, the City is required to update certain flood map effective dates contained with the flood ordinances for compliance with the Federal Emergency Management Agency's (FEMA) current requirements; and

WHEREAS, the following change has been submitted for approval to the Oak Ridge Municipal Planning Commission and the Commission has approved the same; and

WHEREAS, a public hearing thereon has been held as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.07, titled "Floodplain Regulations," Subsection (f)(2) is hereby amended, which new subsection shall read as follows:

Section 9.07    Floodplain Regulations

(f)    General Provisions

2.    The Areas of Special Flood Hazard identified on the Anderson County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS), effective date May 4, 2009, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47001C0214F, 0217F, 0218F, 0219F, 0236F, 0238F, 0239F, 0277F, 0281F, 0282F, 0302F, 0310F, effective date January 17, 2007 and Panel Numbers 47001C0230G, 02237G and 0245G, effective date May 4, 2009; and the Roane County, Tennessee and Incorporated Areas, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47145C0039F, 0110F, 0120F, 0130F, 0140F, 0145F and 0260F, effective date September 28, 2007; and any subsequent amendments or revisions thereto, along with all supporting technical data, are adopted by reference and declared to be part of this Ordinance. These areas shall be incorporated into the City of Oak Ridge, Tennessee Zoning Map. If any discrepancies occur between the City of Oak Ridge, Tennessee Zoning Map and the FEMA Flood Maps, the FEMA Flood Maps shall prevail.

Section 2. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.08, titled "F, Floodway Districts; Fringe Area," Subsection (b), First Paragraph is hereby amended, which new paragraph shall read as follows:

Section 9.08 F, Floodway Districts; Fringe Area

(b) Floodway District Designation

The area designated and shown in the "F, Floodway District" shall be as shown on the Federal Emergency Management Agency, Flood Insurance Rate Map (FIRM), and shall be that portion of the area of those maps designated "Floodway" or equivalent according to the map legends, together with the data in the Flood Insurance Study (FIS), Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective September 28, 2007, and any subsequent amendments or revisions, shall be used for the purpose of identifying the Floodway.

Section 3. Ordinance No. 2, titled "The Zoning Ordinance of the City of Oak Ridge, Tennessee," Article IX, titled "Special Districts," Section 9.08, titled "F, Floodway Districts; Fringe Area," Subsection (c) is hereby amended, which new paragraph shall read as follows:

Section 9.08 F, Floodway Districts; Fringe Area

(c) Floodway Fringe Area

The Floodway Fringe Area is those areas lying outside the Floodway Districts, but within the 100 Year Floodplain, as outlined in the Federal Emergency Management Agency Flood Insurance Study (FIS) for Anderson County, Tennessee, and Incorporated Areas, effective May 4, 2009 and the Flood Insurance Study (FIS) for Roane County, Tennessee and Incorporated Areas, effective September 28, 2007, and any subsequent amendments or revisions and as shown on the Federal Emergency Management Agency Flood Maps as referenced above. Development within these areas, although subject to flooding, will not adversely affect the height or velocity of floodwaters. Although not a separate district, Floodway Fringe Areas are so indicated on the Zoning Map and serve not to restrict development but to advise potential users within said areas of the flood risks and performance criteria referenced in Section 9.07.

Section 4. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Public Hearing: 3-09-09  
First Reading: 2-09-09  
Publication Date: 2-16-09  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**CITY COUNCIL MEMORANDUM**  
**09-02**

DATE: January 26, 2009

TO: Honorable Mayor and Members of City Council

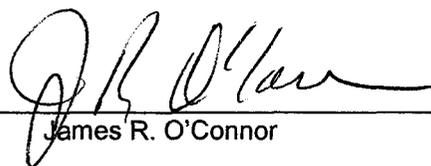
FROM: James R. O'Connor, City Manager

SUBJECT: REPEAL AND ADOPTION OF AMENDED SEWER USE ORDINANCE

On January 12, 2009, City Council amended the City Code by adoption of a new sewer use ordinance. Unfortunately, the wrong ordinance was adopted. As you will recall, the agenda packet for the meeting contained two ordinances – the version approved on first reading and a substitute ordinance which contained modifications recommended by the State of Tennessee Department of Environment and Conservation (TDEC) as well as the City staff. The Council failed to amend the original ordinance by substitution of the modified version prior to its adoption.

It has been determined that the best way to correct this error is to repeal the ordinance adopted on January 12<sup>th</sup> (Ordinance No. 2-09) and follow with the adoption of the ordinance that incorporates the modifications recommended by TDEC and the staff. The Director of Public Works, Gary Cinder, assures that this delay will not impact our pretreatment program.

Attached are (1) an ordinance to repeal Ordinance No. 2-09 and (2) an ordinance to amend Title 18 of the Code by adoption of a new Sewer Use Ordinance. The staff recommends the adoption of both ordinances.

  
\_\_\_\_\_  
James R. O'Connor

Attachments

**TITLE**

AN ORDINANCE TO REPEAL ORDINANCE NO. 2-09 WHICH AMENDED TITLE 18, TITLED "WATER AND SEWERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "SEWER USE ORDINANCE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3 OF THE SAME TITLE.

WHEREAS, Ordinance No. 2-09, adopted on January 12, 2009, failed to incorporate modifications proposed by the State of Tennessee Department of Environment and Conservation and recommended by the City Manager; and

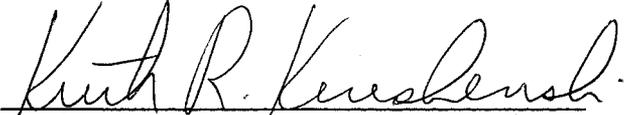
WHEREAS, a substitute ordinance has been prepared that incorporates said modifications and the City Manager recommends the repeal of Ordinance No. 2-09 and the subsequent adoption of the substitute ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 2-09 is hereby repealed.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

First Reading: 2-09-09  
Publication Date: 2-16-09  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

TITLE

AN ORDINANCE TO AMEND TITLE 18, TITLED "WATER AND SEWERS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING CHAPTER 3, TITLED "SEWER USE ORDINANCE," IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW CHAPTER 3, TITLED "SEWER USE ORDINANCE," TO UPDATE THE EXISTING SEWER USE PROVISIONS FOR COMPLIANCE WITH THE REQUIREMENTS SET FORTH BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION.

WHEREAS, the City of Oak Ridge has a need to update its Sewer Use Ordinance to comply with the requirements set forth by the State of Tennessee Department of Environment and Conservation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 18, titled "Water and Sewers," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Chapter 3, titled "Sewer Use Ordinance," in its entirety and substituting therefor a new Chapter 3, titled "Sewer Use Ordinance," which new chapter shall read as follows:

**Chapter 3  
Sewer Use Ordinance**

**Sec. 18-301. Title.**

This ordinance shall be known and designated as the "Sewer Use Ordinance."

**Sec. 18-302. Administration.**

Except as otherwise provided herein, the City Manager shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to a duly authorized municipal employee.

**Sec. 18-303. Abbreviations.**

The following abbreviations, when used in this ordinance, shall have the meanings designated as follows:

- (1) BOD – Biochemical Oxygen Demand
- (2) BMR – Baseline Monitoring Report
- (3) CFR – *Code of Federal Regulation*
- (4) CIU – Categorical Industrial user
- (5) COD – Chemical Oxygen Demand
- (6) EPA – U.S. Environmental Protection Agency
- (7) gpd – gallons per day
- (8) IU – Industrial User

- (9) mg/l – milligrams per liter
- (10) NPDES – National Pollutant Discharge Elimination System
- (11) NSCIU – Non-significant Categorical Industrial User
- (12) POTW – Publicly Owned Treatment Works
- (13) RCRA – Resource Conservation and Recovery Act
- (14) SIU – Significant Industrial User
- (15) SNC – Significant Non-compliance
- (16) TSS – Total Suspended Solids
- (17) TTO – Total Toxic Organics
- (18) U.S.C. – United States Code

**Sec. 18-304. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) “Act” or “The Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977.
- (2) “The Approval Authority” means the State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control or any authorized representative.
- (3) “Authorized Representative of Industrial User” means:
  - (a) If the User is a corporation:
    - (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

- (c) If the User is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (d) The individuals described in subsections (a)(1) and (a)(2) above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- (4) "BOD" used in sewage or industrial waste shall designate its bio-chemical oxygen demand and shall mean the quantity of oxygen utilized in the bio-chemical oxidation of the organic matter of said sewage or industrial wastes under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter. It shall be determined by one of the acceptable methods described in 40 CFR Part 136.
  - (5) "Building Sewer" means a sewer conveying wastewater from the premises of a User to the POTW (see (39)). A building sewer ends at the tap on the City main sewer transition main.
  - (6) "Categorical Industrial User" means any discharger subject to Categorical Pretreatment standards under 40 CFR Chapter I, Subchapter N (see (10)).
  - (7) "Categorical Pretreatment Standard or Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
  - (8) "City" means the City of Oak Ridge acting as a municipal corporation under the laws of the State of Tennessee or the City Council of Oak Ridge, acting through the City Manager.
  - (9) "City Manager" means the City Manager of the City of Oak Ridge.
  - (10) "Code of Federal Regulations or CFR" means the publication of the same name by the Office of the Federal Register, National Archives and Records Administration containing a codification of the general and permanent rules published in the Federal Register by Executive department and agencies of the Federal Government. The Code of Federal Regulations is prima facie evidence of the text of the original documents. Cites to the document are as follows: XX CFR YYY where XX represents the Title and YYY representing chapter and section within that title. CFR documents are available from the Superintendent of Documents, US Government Printing Office, Washington, D.C. 20402.
  - (11) "Control Authority" means the City of Oak Ridge, Tennessee acting through the City Manager or the City Manager's authorized representative.
  - (12) "Customer" means any individual, firm, company, association, society, corporation or group who is the beneficiary of the water and sewer service or who is utilizing the water and/or sewer system of the City of Oak Ridge.
  - (13) "Daily Maximum" means the arithmetic average of all effluent samples for a pollutant (except pH) collected during a calendar day.
  - (14) "Daily Maximum Limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily

discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- (15) "Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (16) "Grab Sample" means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (17) "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailer, septic tanks, and vacuum-pump tank trucks.
- (18) "Indirect Discharge" means the discharge or introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 USC 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the State of Tennessee.
- (19) "Industrial User" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulation issued pursuant to Section 402, of the Act.
- (20) "Industrial Wastewater" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- (21) "Instantaneous Limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (22) "Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or exceeds the design capacity of the treatment works or the collection system.
- (23) "Local Limit" means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Tennessee Rule 1200-4-14-.05(1)(a) and (2).
- (24) "May" is permissive.
- (25) "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (26) "Monthly Average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (27) "Monthly Average Limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharged" measured during that month.
- (28) "National Pretreatment Standards" means any regulation containing pollutant discharge limits promulgated by the EPA and in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to the industrial users.

- (29) "NPDES Permit" means the National Pollutant Discharge Elimination System as defined in Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).
- (30) "New Source" means:
- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - (1) The building, structure facility, or installation is constructed at a site at which no other source is located; or
    - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
    - (3) The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining where these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
  - (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (a)(2) or (a)(3) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - (c) Construction of a New Source as defined under this section has commenced if the owner or operator has:
    - (1) Begun, or caused to begin, as part of a continuous onsite construction program
      - (a) any placement, assembly, or installation of facilities or equipment; or
      - (b) significant site preparation work including clearing, excavation, or removal of existing building, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
    - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.
- (31) "Noncontact Cooling Water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

- (32) "Pass Through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (33) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or other legal entity, or legal representative, agents or assigns. The masculine gender shall mean to include the feminine, the singular shall include the plural where indicated by the context.
- (34) "pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (35) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (36) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- (37) "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (38) "Pretreatment Standards" means all applicable rules and regulations contained in the Code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 92-500 and in the Tennessee Pretreatment Requirements, Chapter 1200-4-14.
- (39) "Publicly Owned Treatment Works or POTW" means a treatment works as defined by Section 212 of the Act, which is owned in this instance by the City of Oak Ridge. This definition includes any sewer that conveys wastewater to the treatment works.
- (40) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.
- (41) "Shall" is mandatory.
- (42) "Significant Industrial User" means:
  - (a) A Significant Industrial User means
    - (1) An Industrial User subject to categorical Pretreatment Standards; or
    - (2) An Industrial User that:
      - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

- (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (b) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (1) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (2) The Industrial User annually submits the certification statement required in Section 18-313(5)(b) [see Tennessee Rule 1200-4-14-.12(17)], together with any additional information necessary to support the certification statement; and
  - (3) The Industrial User never discharges any untreated concentrated wastewater.
- (c) Upon a finding that a User meeting the criteria in Subsection (a)(2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Tennessee Rule 1200-4-14-.08(6)(f), determine that such User should not be considered a Significant Industrial User.
- (43) "Slug Load or Slug Discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 18-308 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (44) "Standard Methods" means the testing methods approved for use in 40 CFR 136 as appropriate.
- (45) "Storm Water" means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
- (46) "Superintendent" means the City Manager or the City Manager's designee primarily responsible for wastewater discharges.
- (47) "Total Suspended Solids or Suspended Solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

- (48) "Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the Administrator or Environmental Protection Agency under the provisions of 33 USC 1317.
- (49) "User" means any person discharging wastes to the City of Oak Ridge POTW.
- (50) "Waste" means any waste, including sewage and any other waste substances, liquid, solid, or gases that are radioactive, associated with human habitation, or human or animal origin, or from any producing, manufacturing, or processing operation or whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.
- (51) "Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (52) "Miscellaneous Terms" means terms not otherwise defined herein shall be defined as shown in the latest edition of Standard Methods for the Examination of Water and Wastewater or other appropriate Federal or State Guidelines and Regulations.

**Sec. 18-305. Use of Public Sewers Required.**

- (1) Disposal of Waste.

It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the City of Oak Ridge any human or animal excrement or other objectionable waste in such a manner to create a public nuisance or to create a threat or danger to the public health and safety. This section shall not apply to the depositing of animal excrement by livestock or through other generally accepted agricultural activities, nor to the depositing of excrement from household pets, provided such excrement is not deposited nor allowed to accumulate to such an extent as to cause a public nuisance or otherwise to constitute a threat or danger to the public health or safety, and provided further that it shall be unlawful to place, deposit, or to permit to be deposited upon the property of another within the City of Oak Ridge human or animal excrement or other objectionable waste in any amount without the permission of the owner of such property.

- (2) Direct Discharge Prohibited.

It shall be unlawful to discharge to any natural outlet within the City of Oak Ridge, or any area under the jurisdiction of said City, any sewage or other polluted waters, except where a Federal or State discharge permit has been duly issued and is currently valid for such discharge.

- (3) New Private Disposal Systems Prohibited.

Except as hereinafter provided or as otherwise permitted by ordinance or regulation, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage.

- (4) City's Right to Require Sanitary Facilities.

The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the City install suitable toilet facilities therein and connect the same directly with the proper public sewer in accordance with the

provisions of this ordinance and shall cease to use any other means for the disposal of sewage, waste, wastewater, and other polluting matter, provided however the City may waive such requirement in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(5) City's Right to Require Sewer Hookup.

The owner, tenant or occupant of all houses, buildings, improvements or properties used for residential, commercial, industrial or recreational and all other human occupancy purposes which abut upon a street, road, right-of-way or other public way containing a public sanitary sewer shall upon demand by the City connect such house, building, improvement or property with the proper public sewer in accordance with the provisions of this ordinance and shall cease to use any other means for disposal of sewage, waste, wastewater or other polluting matter, provided however the City may waive such requirements in specific cases where it has determined that public sewer service to any particular individual user(s) would be unduly difficult or expensive and that alternative measures of disposal would not be hazardous to public health.

(6) Disposal of Private Waste by Truck.

The Superintendent shall designate the locations and times where vacuum or "cess pool" trucks may be discharged, and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto. The owner or operator of a truck shall upon request, provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

(7) Holding Tanks.

No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the Superintendent. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge, and shall limit the wastewater constitutes and characteristic of the discharge. Such user shall pay any applicable charges or fees therefore, and shall comply with the conditions of the permit issued by the Superintendent. Provided, however, no permit shall be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste.

**Sec. 18-306. Private Sewage Disposal.**

The disposal of sewage by means other than the use of the available public sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available public sanitary sewer system is not available, or where such is otherwise permitted by City ordinance or regulations.

**Sec. 18-307. Building Sewers and Connections.**

(1) Connections of Building Sewers to POTW.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer or appurtenance thereof without first obtaining a

written permit from the Control Authority. The owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority.

(2) Cost of Installation.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) Separate Sewers Required.

A separate and independent building sewer shall be provided for every building.

(4) Old Building Sewers.

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City, to meet all requirements of this ordinance.

(5) Construction Controls for New Sewers.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the International Plumbing Code and the International Residential Code shall apply.

(6) Sewer Entrances to Private Facilities.

Whenever possible, the building sewer shall be brought to the building at an elevations below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(7) Extraneous Water Prohibited.

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exceptions may be made only if such connection is approved by the Superintendent for purpose of disposal of polluted surface drainage or ground water. Such connections, if approved, will require a wastewater discharge permit.

(8) Quality of Construction.

All connections to the City system shall be made gas tight and watertight. Any deviations from the prescribed procedures and materials must be approved by the Control Authority before installation.

(9) Inspection of Sewers.

The applicant for the building sewer permit shall notify the Control Authority or his representative when the building sewer is ready for inspection and connection to the

public sewer. The connection shall be made by or under the supervision of the Control Authority.

(10) Excavation Safety.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public. Property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(11) Condition of Private Sewers.

Users shall be responsible for the integrity of building sewers on his property. If it is determined that these lines are faulty or in a bad state of repair, such that extraneous storm water can enter the POTW, the City may require the customer to repair his pipes. If the pipes are not repaired within the time period allowed by the City, service shall be terminated.

(12) Grease Traps.

All cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall install a grease trap on the kitchen waste line, provided however, all existing cafes, restaurants, motels, hotels, or other commercial food preparation establishments shall be required to construct a grease trap, at the owner's expense within ninety days after notification by the City, if and when the Control Authority determines that a grease problem exists which is capable of causing damage or operational problems to structures or equipment in the City sewer system, or if such is otherwise required by City Ordinance, State or Federal law. The City shall retain the right to inspect and approve installation of the grease trap facility. The grease trap must precede the septic tank on the kitchen waste line if a septic tank is used. The grease trap must be designed in accordance with current engineering standards and shall be easily accessible for cleaning. Grease traps shall be maintained by the owner or operator of the facility so as to prevent a stoppage of the City sewer. If the City employees are required to clean out the City sewer lines as a result of a stoppage resulting from a clogged grease trap, the property owner or operator shall be required to pay the costs of the City labor and materials required to clean out the sewer lines. The installation of grease traps shall be in accordance with Section 18-307(2) of this Ordinance.

(13) Alteration to and Obstruction to City Sewers.

No person shall obstruct entrance to or operation of the City Sanitary Sewer System. Existing manholes are to be kept uncovered and accessible at all times. In the event that construction involving the filling of an area around a manhole occurs, the owner of the property, or the person causing the construction to be accomplished shall bear all costs associated with the required adjustment of the sewer manholes. Filling or grading of a property such that storm water concentrates at a manhole will not be permitted. The City reserves the right to enter onto its easements at all times to maintain its system and to remove or cause to be removed all obstructions to said entrance, and furthermore to assess the costs of the removal of obstructions against the owner thereof.

(14) Maintenance of Building Sewers.

The owner of a building sewer is responsible for the maintenance (and replacement, if required) of the building sewer from his building to either (a) the tap on the city main sewer lines; or, (b) the point of confluence with flow from buildings owned by another owner; whichever is shorter. Should the building sewer cross a public right-of-way before entering the main line sewer, the property owner is responsible for maintenance of the

line to the main line; however, should city owned facilities, such as sidewalks, curbs, gutters, or streets be disturbed by the repair of the building sewer, the City will repair said improvements as are reasonable disturbed by the work at no cost to the owner of the property. Operations in a public right-of-way require written permission of the City and proper safety provisions including but not limited to traffic control as outlined in the Manual of Uniform Traffic Control adopted by the State of Tennessee.

**Sec. 18-308. Prohibitions and Limitations on Wastewater Discharge.**

(1) Requirements of Wastewater Permits.

- (a) No person shall discharge or cause to be discharged into the City of Oak Ridge POTW any wastewater other than domestic sewage resulting from normal human habitation including food preparation activities unless he holds a Wastewater Discharge Permit as defined in Section 18-310 of this ordinance. This section shall not apply to existing sources until they are notified of its requirement in writing.
- (b) Persons discharging radionuclides only in addition to domestic sewage are required to obtain a Wastewater Treatment Permit unless:
  - (1) Material discharged is characterized by a half-life of less than ten days, and a lack of significant alpha activity; and,
  - (2) At no point along the collection system is activity more than double background levels at the surface with all manholes closed and the system functioning normally; and,
  - (3) No more than 500 microcuries of material are discharged per hour measured at the point of discharge into the wastewater collection system to a maximum of 3500 microcuries per day.

It is the responsibility of the discharging party to arrange for verification of these limits within five days of a written request to do so by the City.

- (c) The Control Authority may waive the requirements for a Wastewater Discharge Permit on a case-by-case basis for dischargers whose effluent does not violate the criteria for domestic sewage as established by the controlling agency and who, furthermore, are not categorical users. Notwithstanding the following, existing non-permitted dischargers or dischargers who have had the permit requirement waived may be required to obtain a discharge permit upon sixty (60) days notification by the controlling authority based on the observed character of the user's operations or his waste stream or suspected impact on the POTW or other factors which the Control Authority may define.
- (d) In order to avoid wastewater influent to the treatment plant which creates adverse effects, or interferes with any wastewater treatment or collection processes, or creates any hazard in receiving waters or results in the City being in violation of applicable effluent standards including sludge disposal standards, the Control Authority shall establish and amend wastewater effluent limits as deemed necessary. Limits for certain parameters are set as protection criteria for the POTW. Discharge limits for industrial users will be set in discharge permits as outlined in Section 18-310 of this ordinance. Such limits will be calculated based on the anticipated ability of the plant to absorb specific wastewater constituents without violation of its NPDES permit, safety of the public, and/or disruption of

plant operations including sludge disposal; not to exceed, however, federal limits where applicable.

(e) Dilution.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

(2) Prohibitions on Wastewater Discharge.

Regardless of permit status, no person shall discharge or cause to allow to be discharged into the City of Oak Ridge POTW or any connected treatment facilities any waste which contains any of the following:

- (a) Oils and Grease: Fats, wax, grease or oils of animal or vegetable origin in concentrations of greater than one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F (0 degrees and 65 degrees C) at the point of discharge into the system.
- (b) Explosive Mixtures: Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause a fire or explosion hazard or be injurious in any other way to the POTW or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.L.). Wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials included, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (c) Noxious Materials: Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.
- (d) Improperly Shredded Garbage: Garbage that has not been ground or comminuted to such a degree that all particles are ½ inch or less in greatest dimension and will be carried freely in suspension under flow conditions normally prevailing in the public sewers.
- (e) Radioactive Wastes: Radioactive wastes or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the POTW or personnel operating the system.
- (f) Solids or Viscous Wastes: Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or other interference with the proper operation of the POTW. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair,

hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

- (g) Excessive Discharge Rate: Wastewaters at a flow rate which is excessive relative to the capacity of the treatment works or which could cause a treatment process upset and subsequent loss of treatment efficiency; or wastewaters containing such concentrations or quantities of pollutants that their introduction into the treatment works would cause Interference.
- (h) Toxic Substances: Any toxic substances, chemical elements or compounds, phenols or other taste- or odor-producing substances, or any substances in amounts which may interfere with the biological processes or efficiency of the treatment works, or that will pass through the treatment works in concentrations which would cause the POTW to exceed its NPDES permit limits.
- (i) Unpolluted Waters: Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent.
- (j) Discolored Materials: Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit.
- (k) Corrosive Wastes: Any waste which will cause corrosion or deterioration of the POTW. All wastes discharged to the public sewer system must have a pH value in the range of six (6) to nine (9). Prohibited materials include, but are not limited to acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.
- (l) Thermal Discharge: Heat in amounts which will inhibit biological activity in or cause damage to the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40°C (104°F). Under no conditions may the temperature at the point of discharge exceed 120°F.
- (m) Human Hazard: Any wastewater which caused hazard to human life or creates a public nuisance.
- (n) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
- (o) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW.
- (p) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- (q) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(3) Limitation on Wastewater Discharge.

No person shall discharge or convey or cause to be discharged or conveyed to the public sewer any wastewater containing pollutants of such character or quantity that will:

- (a) Not be amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (b) Constitute a hazard to human or animal life or to the stream or water course receiving the treatment plant effluent.
- (c) Exceed limits as set forth in his Wastewater Discharge Permit or violate the Federal Pretreatment Standards.
- (d) Cause the treatment plant to violate its NPDES permit, pass-through limits, or other applicable receiving water standards, or cause interference with plant operations.
- (e) Contain any water or wastes whose strength or other characteristics exceed the limits for normal wastewater which may be established by the Control Authority.

**Sec. 18-309. Control of Prohibited Wastes.**

(1) National Categorical Pretreatment Standards.

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- (a) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with Tennessee Rule 1200-4-14-.06(3).
- (b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (c) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Superintendent shall impose an alternate limit in accordance with Tennessee Rule 1200-4-14-.06(5).
- (d) The Superintendent may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Superintendent.
- (e) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 18-309 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- (f) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum

Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- (g) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Superintendent within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(2) Tennessee Pretreatment Standards.

Users must comply with Tennessee Pretreatment Standards codified at 1200-4-14.

(3) Regulatory Actions.

If wastewaters containing any substances in excess concentrations as described in Section 18-308 of this Ordinance are discharged or proposed to be discharged into the sewer system of the City of Oak Ridge or to any sewer system tributary thereto, the City shall take any action necessary to:

- (a) Prohibit the discharge of such wastewater.
- (b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the City.
- (c) Require pretreatment, including storage facilities or flow equalization, necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations or Federal pretreatment standards and any other applicable requirements promulgated by the EPA in accordance with Section 307 of the Clean Water Act of 1977.
- (d) Require the person or discharger making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the POTW. Nothing herein authorizes discharge, otherwise prohibited, upon payment of cost therefore.
- (e) Discontinue sewer service to the discharger until such time as the problem is corrected.
- (f) Take such other remedial action provided by law as may be deemed to be desirable or necessary to achieve the requirements of this Ordinance.

(4) Submission of Plans.

- (a) Where pretreatment or equalization of wastewater flows prior to discharge into any part of its POTW is required by the City of Oak Ridge; plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall be submitted to the Control Authority for review and approval. Approval shall in no way exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the City. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of, the Control Authority.

(b) The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Superintendent of any accidental or Slug Discharge, as required by Section 18-309(6) of this ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(5) Pretreatment Facilities Operations.

If pretreatment or control of waste flows is required, such facilities shall be effectively operated and maintained by the user at his or her expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

(6) Reporting of Accidental Discharges.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (6)(a) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

(7) Right of Entry.

Agents of the City of Oak Ridge, the Tennessee Department of Environment and Conservation (TDEC) and/or EPA upon presentation of credentials shall be permitted to enter all properties of the contributing industry for the purpose of inspection, observation, measurement, sampling, and testing.

**Sec. 18-310. Wastewater Discharge Permits, Generally.**

(1) Permits Required.

All persons proposing to connect to or discharge into the sanitary sewer system any material other than normal domestic waste shall be considered an Industrial User and must obtain a Wastewater Discharge Permit from the Control Authority before connecting to or discharging into the sanitary sewer. All existing industrial users connected to or discharging into the City's sanitary sewer must obtain a Wastewater Discharge Permit within sixty (60) days after notice from the City.

(2) Permit Application.

(a) All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Superintendent may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- (a) The name and address of the facility, including the name of the operator and owner.
- (b) Contact information, description of activities, facilities, and plant production processes on the premises.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
- (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;

- (d) Type and amount of raw materials processed (average and maximum per day); and
  - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (4) Time and duration of discharges.
- (5) The location for monitoring all wastes covered by the permit.
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 18-309(1)(c) (Tennessee Rule 1200-4-14-.06(5)).
- (7) Measurement of Pollutants.
  - (a) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.
  - (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 18-313(1) of this ordinance. Where the Standard requires compliance with a pollution prevention alternative, such as the certification alternative in lieu of required monitoring for TTO, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.
  - (e) Sampling must be performed in accordance with procedures set out in Section 18-313(2) of this ordinance.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 18-312(4)(b). [See 1200-4-14-.12(5)(b)].
- (9) Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.
- (b) Application Signatories and Certifications
  - (1) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative

of the User and contain the certification statement in Section 18-313(5)(a).

- (2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.
- (3) A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 18-304(42)(b) must annually submit the signed certification statement in Section 18-313(5)(b) [Note: See 40 CFR 403.3(v)(2)]

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

(3) Permit Conditions.

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the City. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the City in accordance with this Ordinance, and applicable State and Federal regulations. Permits must contain all items required by Federal regulation; and further, may include but not necessarily be limited to the following:

- (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (b) Requirements that the industrial user comply with any and all pretreatment standards and requirements either local, state or federal;
- (c) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing permit to the new owner or operator;
- (d) The average and maximum wastewater constituents and characteristics;
- (e) Effluent limits, including pollution prevention alternative, based on applicable Pretreatment Standards;
- (f) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or pollution prevention alternative) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
- (g) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 18-312(4)(b);

- (h) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- (i) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary;
- (j) Any grant of the monitoring waiver by the Superintendent (Section 18-312(4)(b)) must be included as a condition in the User's permit;
- (k) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (l) Requirements for installation of inspection and sampling facilities and schedules for said installation;
- (m) Requirements for installation and operation of pretreatment systems or process modifications and schedule for said installations;
- (n) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (o) Requirements for maintaining plant records relating to wastewater discharge as specified by the Control Authority and affording the City access thereto;
- (p) Requirements that the City maintain the right to enter onto the premises for inspection of operations including process areas, pretreatment areas, and any such other portions of the premises which may be deemed appropriate by the controlling authority;
- (q) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
- (r) Other conditions as deemed appropriate by the Control Authority to insure compliance with this Ordinance and state and federal pretreatment standards and requirements.

(4) Duration of Permits.

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The permittee must apply for a renewal permit not more than ninety (90) days and no less than seventy-five (75) days prior to the expiration of his or her valid permit. If the user is not notified by the Control Authority of permit expiration, the permit shall be considered extended for thirty (30) days at a time up to a total of one additional year. The terms and conditions of the permit may be subject to modification and change by the Control Authority during the life of the permit as limitations or requirements as identified hereinbefore are modified and changed. The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- (5) Transfer of a Permit.

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premise, or a new or changed operation.

**Sec. 18-311. Wastewater Discharge Permit Revocation**

The Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 18-312(5) of this ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Superintendent timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

**Sec. 18-312. Reporting Requirements**

- (1) Baseline Monitoring Reports
  - (a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under Tennessee Rule 1200-4-14-.06(1)(d), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which

contains the information listed in subsection (1)(b) below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Superintendent a report which contains the information listed in subsection (1)(b) below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (b) Users described above shall submit the information set forth below.
  - (1) All information required in Section 18-310(2)(a)(1)(a), 18-310(2)(a)(2), 18-310(2)(a)(3)(a), and 18-310(2)(a)(6).
  - (2) Measurement of pollutants.
    - (a) The User shall provide the information required in Section 18-310(2)(a)(7)(a) through 18-310(2)(a)(7)(d).
    - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
    - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in Tennessee Rule 1200-4-14-.06(5) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with Tennessee Rule 1200-4-14-.06(5) this adjusted limit along with supporting data shall be submitted to the Control Authority;
    - (d) Sampling and analysis shall be performed in accordance with Section 18-313(1) and 18-313(2);
      - (1) The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
      - (2) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
  - (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in 18-304(3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to

meet the Pretreatment Standards and Requirements.

- (4) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 18-312(2) of this ordinance.
- (5) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Section 18-313(5)(a) of this ordinance and signed by an Authorized Representative as defined in Section 18-304(3).

(2) **Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 18-312(1)(b)(4) of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

(3) **Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 18-310(2)(a)(6), 18-310(2)(a)(7), and 18-312(1)(b)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 18-309(1), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 18-313(5)(a) of this ordinance. All sampling will be done in conformance with Section 18-313(2).

(4) Periodic Compliance Reports

- (a) All permitted Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than quarterly per year (unless otherwise specified), reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.
- (b) The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see Tennessee Rule 1200-4-14-.12(5)(b)] This authorization is subject to the following conditions:
  - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 18-310(2)(a)(8).
  - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - (4) The request for a monitoring waiver must be signed in accordance with Section 18-304(3), and include the certification statement in Section 18-313(5)(a). (See Tennessee Rule 1200-4-14-.06(1)(b)2).
  - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - (6) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.
  - (7) Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 18-313(5)(c) below, that there has been no

increase in the pollutant in its wastestream due to activities of the Industrial User.

- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 18-312(4)(a), or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.
- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

- (c) All periodic compliance reports must be signed and certified in accordance with Section 18-313(5)(a) of this ordinance.
- (d) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (e) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in Section 18-313(2) of this ordinance, the results of this monitoring shall be included in the report.

(5) Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (a) The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 18-310(2) of this ordinance.
- (b) The Superintendent may issue an individual wastewater discharge permit under Section 18-310 of this ordinance or modify an existing wastewater discharge permit under Section 18-310(4) of this ordinance in response to changed conditions or anticipated changed conditions.

(6) Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

- (b) Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

**Sec. 18-313. Wastewater Sampling and Analysis.**

(1) Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA.

(2) Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period

- (a) Except as indicated in subsection (2)(b) and (2)(c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 18-312(1) and 18-312(3) [Tennessee Rule 1200-4-14-.12(2) and (4)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 18-312(4) (Tennessee Rule 1200-4-14-.12(5) and (8)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(3) Control Manhole.

When required by the Control Authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Control Authority. The manhole shall be installed by the user at his expense, and shall be maintained by him so as to be safe and accessible at all times. The Control Authority shall have access and use of the control manhole as may be required for their monitoring of the industrial discharge.

(4) Recordkeeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Superintendent.

(5) Certification Statements

(a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—  
The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 18-310(2)(b); Users submitting baseline monitoring reports under Section 18-312(1)(b)(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 18-312(3); Users submitting periodic compliance reports required by Section 18-312(4), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 18-312(4)(b)(4). The following certification statement must be signed by an Authorized Representative as defined in Section 18-304(3):

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (b) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to Section 18-304(42)(b) and 18-310(2)(b)(3) must annually submit the following certification statement signed in accordance with the signatory requirements in 18-304(3). This certification must accompany an alternative report required by the Superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

- (1) The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 18-304(42)(b);
- (2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

\_\_\_\_\_  
\_\_\_\_\_

- (c) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 18-312(4)(b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 18-312(4).

**Sec. 18-314. Compliance Monitoring.**

- (1) Monitoring Programs.
  - (a) The monitoring program shall require the discharger to conduct a sampling and analysis program of a frequency and type specified by the Control Authority to

demonstrate compliance with prescribed wastewater discharge limits. The discharger may either:

- (1) Conduct his or her own sampling and analysis program provided he demonstrates to the Control Authority that he or she has the necessary qualifications and facilities to perform the work; or,
  - (2) Engage a private laboratory, approved by the Control Authority.
- (b) In the event that the Control Authority suspects that a violation of any part of this ordinance or of the user's wastewater discharge permit is occurring, it may take samples for the purpose of monitoring the discharge. Should this monitoring verify that a violation is occurring, the costs of the monitoring and associated laboratory fees will be borne by the discharger. Should no violation be found, the costs will be at the expense of the Control Authority.
- (c) Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs the sampling at the User's facility at least once a month, or if the City performs sampling at the User's facility between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

(2) Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (c) The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly to ensure their accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the

written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the User.

- (e) Unreasonable delays in allowing the Superintendent access to the User's premises shall be a violation of this ordinance.

(3) Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Superintendent may seek issuance of a search warrant from the City Court of Oak Ridge.

**Sec. 18-315. Confidential Information**

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

**Sec. 18-316. Publication of Users in Significant Noncompliance**

The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (7) of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Sections 18-308 and 18-309.
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Sections 18-308 and 18-309 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Sections 18-308 and 18-309 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of pollution prevention alternatives, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

**Sec. 18-317. Enforcement Procedures.**

- (1) Administrative Enforcement Remedies.
  - (a) Notification of Violation: Whenever the Superintendent finds that any user has violated or violating this Ordinance, or a wastewater permit or order issued hereunder, the Superintendent or his agent may serve upon said user written notice of the violation (NOV). If required in the NOV, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent within the time frame specified, not to exceed thirty (30) days. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
  - (b) Consent Orders: The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to Section 18-317(1)(d) below.
  - (c) Show Cause Hearing: The Superintendent may order any user who is in violation of or causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally

or by registered or certified mail (return receipt requested). Ten (10) days prior notice shall be given, if practical. Such notice may be served on any principal executive, general partner, corporate officer, site manager, or other person listed in pretreatment documents submitted by the user as a contact. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

- (d) Compliance Order: When the Superintendent finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue and order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued or penalties imposed unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated or other improvements as specified are carried out. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, disconnection of unauthorized sources of flow, and management practices. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (e) Cease and Desist Orders: When the Superintendent finds that a user has violated or continues to violate this Ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
  - (1) Comply forthwith;
  - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (f) Administrative Penalties: Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this Ordinance, or any permit or order issued hereunder, may be assessed a penalty in an amount not to exceed ten thousand dollars (\$10,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such penalties must file a request for the Superintendent to reconsider the penalty within 10 days of being notified of the fine. Where the Superintendent believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.
- (g) Emergency Suspensions:
  - (1) The Superintendent may suspend the wastewater treatment service and/or wastewater permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial

endangerment to the health or welfare of persons, the POTW, or the environment.

- (2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user.
- (3) An industrial user who is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent prior to the date of the hearing described in Section 18-317(1)(c).

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

- (h) Revocation of Permit: The Superintendent may revoke the permit of any user as set forth in Section 18-311.
- (i) Appeal of Administrative Penalties: Upon issuance of any administrative order or penalty, the user shall be notified that he or she shall be entitled to a hearing upon such order or penalty. Request for such hearing must be made seven (7) days of notification of the administrative action. The hearing will be held before the City Manager and shall be heard within seven (7) days of the request for hearing. At the hearing, the Public Works Director or the Director's representative shall represent the Controlling Authority. The Controlling Authority and the customer shall be entitled to present evidence relevant and material to the penalty and to examine and cross examine witnesses. He may be represented by an attorney, if the user so chooses. The City Manager shall render a decision within seven (7) days upholding or overturning the administrative order or penalty. Notwithstanding the following, Emergency Suspensions as described in Section 18-317(1)(g) are effective immediately upon issuance, and right to appeal is contingent on compliance by the user.

(2) Judicial Remedies.

If any person discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the Superintendent, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the applicable court.

- (a) Injunction Relief: Whenever a user has violated or continues to violate the provisions of this Ordinance or permit or order issued hereunder, the Superintendent, through counsel, may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The Superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User

to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(b) Civil Penalties:

- (1) Any user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be liable to the Superintendent for actual damages incurred by the POTW. In addition to damages, the Superintendent may recover reasonable attorney's fee, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
- (2) The Superintendent shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- (3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(3) Criminal Actions.

- (a) Any industrial user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by penalty and imprisonment to the full extent allowed by law.
- (b) Any industrial user who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance or waste water permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punishable by a penalty and imprisonment to the full extent allowed by law.

(4) Affirmative Defenses.

- (a) Treatment Upsets: Any industrial user who experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain:
  - (1) A description of the upset, its cause(s) and impact on the discharger's compliance status.
  - (2) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored.

- (3) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An upset occurred and the User can identify the cause(s) of the upset;
  - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (c) The User has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
    - (1) A description of the indirect discharge and cause of noncompliance;
    - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    - (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Treatment Bypasses:

- (1) A bypass of the treatment system is prohibited unless all the following conditions are met:
  - (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
  - (c) The industrial user properly notified the Superintendent as described in 18-317(4)(b)(2) below.
- (2) Industrial users must provide immediate notice to the Superintendent upon discovery of an unanticipated bypass. If necessary, the

Superintendent may require the industrial user to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence.

- (3) An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Superintendent at least 10 days in advance. The Superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in Section 18-317(4)(b)(1) above.

- (5) Remedies Nonexclusive.

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

**Sec. 18-318. Industrial Waste Surcharge.**

- (1) Surcharge based upon strength of wastes.

In the event the user discharges industrial wastes to the POTW having an average Biochemical Oxygen Demand (BOD) content in excess of 300 mg/l, and/or an average Suspended Solids (SS) content in excess of 300 mg/l, and/or an average Ammonia Nitrogen content in excess of 30 mg/l, the user may be required to pay a surcharge based upon the excess strength of their wastes.

- (2) Costs of treatment to be reviewed annually.

The costs of treatment for each pound of BOD, SS, and Ammonia Nitrogen removed by the POTW shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewer billing. These rates shall be in effect until the next annual rate review.

**Sec. 18-319. Validity.**

- (1) Conflict.

In case of conflict or inconsistency, the provisions of this Ordinance shall supersede and take precedence over any other ordinance or part thereof or any other rules and regulations of the City of Oak Ridge.

- (2) Severability.

It is hereby declared the intention of City Council that sections, paragraphs, sentences, clauses, and words of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or word be declared unconstitutional or invalid by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, or words since the same would have been enacted without the incorporation of the unconstitutional section, paragraph, sentence, clause or word.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

First Reading:                    2-09-09  
Publication Date:                2-16-09  
Second Reading:                \_\_\_\_\_  
Publication Date:                \_\_\_\_\_  
Effective Date:                  \_\_\_\_\_

# **RESOLUTIONS GENERAL**

## MEMORANDUM

DATE: February 26, 2009

TO: Fellow Members of City Council

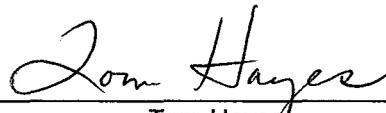
FROM: Budget and Finance Special Committee  
Councilman Tom Hayes, Chair  
Councilman Charlie Hensley  
Councilwoman Ellen Smith

SUBJECT: COMMITTEE REPORT AND RECOMMENDATION

The Budget and Finance Committee has held four meetings and has completed its charge of developing budgeting and finance policy recommendations for City Council's consideration. Attached are its recommendations, titled "Financial Policy Guidelines Adopted by the Budget and Finance Committee, February 24, 2009." The Committee vote was unanimous for approval of these policy guidelines. Upon approval by City Council, they will be used by the staff in developing the proposed Fiscal 2010 budget for the City of Oak Ridge.

Also attached is a resolution to adopt the Budget and Finance Committee's recommendations and a copy of the Committee's meeting schedule. As you will note, the Committee will continue to meet following your consideration of this resolution.

As a final note, the Committee would like to reaffirm that its meetings are open to all Council members and to the public at large.

  
\_\_\_\_\_  
Tom Hayes JB

Attachments

# OAK RIDGE CITY COUNCIL

## BUDGET AND FINANCE SPECIAL COMMITTEE 2009 MEETING SCHEDULE

| <u>Date</u>       | <u>Agenda</u>   |
|-------------------|---|
| January 13, 2009  | Budget Overview/Policy Discussion                                       |
| January 20, 2009  | Police and Fire Department Presentations<br>Policy Discussion           |
| February 10, 2009 | Public Works and Recreation Department Presentations<br>Policy Approval |
| February 24, 2009 | Library and Electric Department Presentations                           |
| March 10, 2009    | General Government and Community Development<br>Presentations           |
| March 24, 2009    | Administrative Services Review  |
| March 31, 2009    | Schools   |

*Meetings are scheduled for 5:30 p.m. in the Municipal Building Training Room*

**RESOLUTION**

WHEREAS, with the adoption of Resolution No. 11-107-07, City Council created a Budget and Finance Special Committee whose mission is to assist City Council in providing guidance to the City Manager with respect to budget preparation, as required by the Oak Ridge City Charter; and

WHEREAS, in fulfillment of its mission, the Committee is charged with the development of budgeting and finance policy recommendations for City Council's consideration; and

WHEREAS, the Budget and Finance Committee has developed such recommendations and hereby submits them to City Council for consideration of adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the Budget and Finance Committee is approved and the attached *FY 2010 Financial Policy Guidelines* are hereby adopted as guidelines for use by the City Manager and his staff in developing the City of Oak Ridge proposed budget for Fiscal 2010.

This the 9<sup>th</sup> day of March 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## **CITY OF OAK RIDGE FY 2010 FINANCIAL POLICY GUIDELINES**

In these times of severe economic uncertainty:

1. Necessary funding will be allocated to maintain all city programs and services and the Oak Ridge Schools.
2. The target budget will include no property tax increase. The property tax rate is a determining factor in the growth and economic development of Oak Ridge.
3. Cost savings will be sought in all areas. The evaluation of programs and services will be a major consideration in determining the allocation of city resources in the FY 2010 budget.
4. Reserves may be tapped to help fund capital maintenance and other near-term expenditures with long-term benefits.

**COMMUNITY DEVELOPMENT MEMORANDUM**  
**09-10**

**DATE:** February 17, 2009

**TO:** James R. O'Connor, City Manager

**FROM:** Timothy P. Ward, Division Manager   
Susan Fallon, Contracts/Grants Coordinator 

**SUBJECT: 2009 HOME Program Grant Application and Acceptance**

The accompanying resolution authorizes the City of Oak Ridge in partnership with Aid to Distressed Families of Appalachian Counties, Inc. (ADFAC) to apply for and accept funds from the 2009 HOME grant program to be awarded by the Tennessee Housing Development Agency (THDA) in the not to exceed amount of \$500,000.00.

THDA administers the federally funded HOME grant program to promote the production, preservation and rehabilitation of housing for low-income households. HOME grant funds are awarded through a competitive application process to cities, counties and non-profit organizations. Each applicant must apply for at least \$100,000 and may apply for a maximum grant of \$500,000. The City of Oak Ridge and ADFAC applied for a 2008 HOME grant. THDA did not award any 2008 HOME grants within Anderson County, based on their analysis of not proportionately served areas, meaning that Anderson County was being proportionately served when compared to surrounding counties in east Tennessee. THDA is to award the HOME grant contracts by the end of May 2009, with the three-year grant period beginning on July 1, 2009 and ending on June 30, 2012.

ADFAC will prepare the 2009 HOME Grant application for the City of Oak Ridge and if awarded, will administer the grant for the city. The 2009 HOME Grant application proposes all awarded funds to be utilized for homeowner rehabilitation with each homeowner provided a forgivable grant for the cost of the rehabilitation project. All income-eligible residents within the city limits of Oak Ridge may apply for home rehabilitation services, with priority points given to the eligible residents of the Highland View Redevelopment Area.

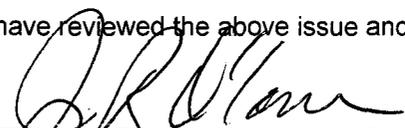
If the 2009 HOME Grant is awarded for the maximum amount allowed, \$500,000.00, it is expected that approximately sixteen (16) homes will be rehabilitated at an average cost per project of \$29,063 and ADFAC will receive the allowable 7% (\$35,000.00) of the total grant award for administering the grant.

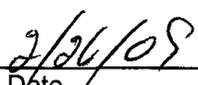
ADFAC has applied and administered numerous HOME grants for itself and other municipalities, in the area of home rehabilitation, reconstruction and single family development over the last 20 years, demonstrating a tremendous amount of experience in the application for and administration of these grants. The organization does an outstanding job administering the HOME grant process and will be responsible to the City and THDA for the full and proper maintenance of required records. Upon award of the grant, a subrecipient agreement with ADFAC for administering the grant will be presented for City Council approval.

Staff recommends approval of the accompanying resolution.

**City Manager's Comments:**

I have reviewed the above issue and recommend council action as outlined in this document.

  
\_\_\_\_\_  
James R. O'Connor

  
\_\_\_\_\_  
Date

**RESOLUTION**

WHEREAS, the Tennessee Housing Development Agency (THDA) administers the federally funded HOME grant program to promote the production, preservation and rehabilitation of housing for low-income households; and

WHEREAS, THDA annually awards HOME funds through a competitive application process to cities, counties and non-profit organizations outside the local participating jurisdictions; and

WHEREAS, the City desires to promote the production, preservation and rehabilitation of housing for low-income households within the City of Oak Ridge; and

WHEREAS, the City has partnered with Aid to Distressed Families of Appalachian Counties, Inc., (ADFAC) for the preparation of the grant application and upon award the administration of the grant; and

WHEREAS, the City Manager recommends submittal of the grant application for HOME funds and acceptance of said grant if approved by THDA.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE

That the recommendation of the City Manager is approved and Aid to Distressed Families of Appalachian Counties, Inc., (ADFAC) is hereby authorized to submit on the City's behalf a grant application, including all understandings and assurances contained therein, to the Tennessee Housing Development Agency (THDA) for 2009 HOME grant program funds to promote the rehabilitation of housing for low-income households in Oak Ridge, in the not to exceed amount of \$500,000.

BE IT FURTHER RESOLVED that if said application is approved by THDA, the Mayor is hereby authorized to accept said grant for the City.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 9th day of March 2009.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**LEGAL MEMORANDUM**  
**09-08**

DATE: February 25, 2009

TO: Honorable Mayor and Members of City Council

FROM: Kenneth K. Krushenski, City Attorney

SUBJECT: RETAIL PACKAGE STORE RENEWAL APPLICATIONS

The accompanying resolutions authorize the granting of permits for the retail sale of alcoholic beverages in the city for the year 2009-2010 and the issuance of certificates of compliance for those granted such permits. All applications are for renewal of current permits.

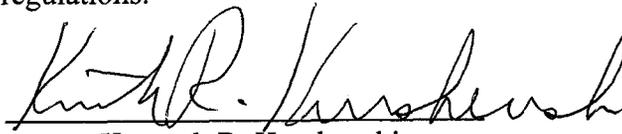
A list of permitted stores and any significant changes in the applications from last year is provided below:

Store Number

- 103        Hilltop Package Store, Inc. The applicants, Joey Anderson and Brenda Anderson, reside outside the city limits of Oak Ridge, Tennessee. No changes.
- 131        Ridge Package Store. All three applicants, Reba A. Monday, Donald R. Knight and Brenda S. Roach, reside outside the city limits of Oak Ridge, Tennessee. No changes.
- 133        Oak Ridge Package Store. The applicants, Joseph R. and Margaret H. Cacciatore, reside outside the city limits of Oak Ridge, Tennessee. No changes.
- 149        Turnpike Wine & Spirits, Inc. Three applicants, Patricia B. Gettys, Suzanne Elizabeth Davis, and Lloyd C. Davis, Sr., reside outside the city limits of Oak Ridge, Tennessee; one applicant, Donald L. Kittrell, resides inside the city limits. No changes.
- 151        JB's Wine & Spirits, Inc. The applicant, Jeanette Bowen, resides outside the city limits of Oak Ridge, Tennessee. No changes.
- 152        Lizz's Wine & Spirits. The applicant, Kenneth L. Montgomery, resides outside the city limits of Oak Ridge, Tennessee. No changes.

All the applicants are nonresidents; therefore, in accordance with Council's previous instructions, they have been requested to be present at Council meeting.

Each store is required to renew its city retail permit annually. This enables the city to learn of any changes that have occurred in local retail liquor store operations and to ensure compliance with applicable laws and regulations.

  
Kenneth R. Krushenski

lm

Attachments

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
James R. O'Connor

  
Date

RESOLUTION

WHEREAS, the individuals listed hereinafter were granted a permit to engage in the retail sale of alcoholic beverages in accordance with the ordinance of the City of Oak Ridge, and

WHEREAS, said permits will expire on March 31, 2009, and it is necessary that renewal permits be issued before that date, and

WHEREAS, the individuals listed hereinafter have made application for permits for the year 2009-2010, and

WHEREAS, said applicants meet all the requirements and necessary conditions of the laws of the City of Oak Ridge and the State of Tennessee, and

WHEREAS, the City Council is authorized to waive the residency requirement for those applicants who possess sufficient contacts with the City which would permit Council to verify the good moral character of those nonresident applicants.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the following persons are hereby granted a permit to engage in the retail sale of alcoholic beverages in the city at the indicated locations, for the year 2009-2010, and that the Mayor is authorized to sign said permits on behalf of the city:

| <u>City Permit No.</u> | <u>Name of Applicant</u>   | <u>Store and Location</u>                               |
|------------------------|--|---|
| 103                    | Joey Anderson<br>Brenda Anderson   | Hilltop Package Store, Inc.<br>344 N. Illinois Avenue   |
| 131                    | Reba A. Monday<br>Donald R. Knight<br>Brenda S. Roach                                      | Ridge Package Store<br>858 Oak Ridge Turnpike           |
| 133                    | Joseph R. Cacciatore<br>Margaret H. Cacciatore   | Oak Ridge Package Store<br>971 Oak Ridge Turnpike       |
| 149                    | Patricia B. Gettys<br>Suzanne Elizabeth Davis<br>Lloyd C. Davis, Sr.<br>Donald L. Kittrell | Turnpike Wine & Spirits, Inc.<br>331 Oak Ridge Turnpike |
| 151                    | Jeanette Bowen   | JB's Wine & Spirits, Inc.<br>202 S. Illinois Avenue     |

152

Kenneth L. Montgomery

Lizz's Wine & Spirits  
1505 Oak Ridge Turnpike

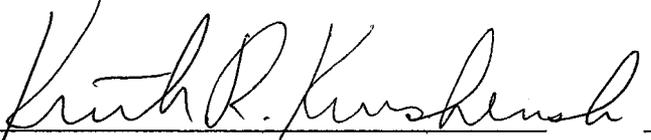
BE IT FURTHER RESOLVED that the Council does hereby waive the residency requirement for the following nonresident applicants:

Joey Anderson  
Donald R. Knight  
Reba A. Monday  
Margaret H. Cacciatore  
Suzanne Elizabeth Davis  
Jeanette Bowen

Brenda Anderson  
Brenda S. Roach  
Joseph R. Cacciatore  
Patricia B. Gettys  
Lloyd C. Davis, Sr.  
Kenneth L. Montgomery

This the 9th day of March 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

RESOLUTION

WHEREAS, after diligent inquiry and careful investigation of certain applicants, City Council has found their general character to be good, and

WHEREAS, City Council feels assured that the said applicants will refrain from any violation of Title 8, Chapter 4, of the Oak Ridge Code of Ordinances, and Title 57, Chapters 1, 6, 7, and 8, of the Tennessee Code Annotated (Chapter No. 49, Public Acts, 1939), which are the alcoholic beverage laws, or any statutory amendment thereof or any rule or regulation promulgated pursuant thereto, and

WHEREAS, City Council has granted the necessary permits to said applicants for the retail sale of alcoholic beverages for one year beginning April 1, 2009, thereby signifying full compliance with the ordinances of the City of Oak Ridge, and

WHEREAS, City Council is of the opinion that said applicants are entitled to the State license applied for.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the Mayor is hereby authorized to sign and issue certificates of compliance for the following persons, City Council finding that said persons have not been convicted of a felony, that all local regulations have been complied with, and that they will refrain from any violations hereinabove set forth:

| <u>City Permit No.</u> | <u>Name of Applicant</u>   | <u>Store and Location</u>                               |
|------------------------|--|---|
| 103                    | Joey Anderson<br>Brenda Anderson   | Hilltop Package Store, Inc.<br>344 N. Illinois Avenue   |
| 131                    | Reba A. Monday<br>Donald R. Knight<br>Brenda S. Roach                                      | Ridge Package Store<br>858 Oak Ridge Turnpike           |
| 133                    | Joseph R. Cacciatore<br>Margaret H. Cacciatore   | Oak Ridge Package Store<br>971 Oak Ridge Turnpike       |
| 149                    | Patricia B. Gettys<br>Suzanne Elizabeth Davis<br>Lloyd C. Davis, Sr.<br>Donald L. Kittrell | Turnpike Wine & Spirits, Inc.<br>331 Oak Ridge Turnpike |



**MAYOR'S MEMORANDUM**  
**09-01**

DATE: February 26, 2009

TO: Fellow Members of City Council

FROM: Intergovernmental Relations Special Committee  
Mayor Tom Beehan, Chair  
Mayor Pro Tem Jane Miller  
Councilman David Mosby

SUBJECT: COMMITTEE REPORT AND RECOMMENDATION

The City Council's Intergovernmental Relations Special Committee (the Committee) met on February 17, 2009. The agenda consisted of two items: (1) a presentation on proposed modifications to the Federal Facilities Agreement (FFA)--the intergovernmental agreement among the U.S. Department of Energy (DOE), the State of Tennessee, and the Environmental Protection Agency (EPA) that governs the scope and pace of cleanup of DOE's Oak Ridge Reservation; and (2) reaffirmation of support for activities proposed in the DOE's Global Nuclear Energy Partnership Programmatic Environmental Impact Statement (PEIS).

All Committee members were present. Also in attendance were City Council members Ellen Smith and Charlie Hensley, Steve McCracken and Dave Adler of DOE, John Owsley and Roger Petrie of TDEC (Tennessee Department of Environment and Conservation), Kareem Murphy of The Ferguson Group via conference call, City staff members, and two representatives of the local news media.

Mayor Beehan briefed the committee on his recent meeting with Secretary of Energy Steven Chu, as well as his meetings with the Congressional delegation during the Energy Communities Alliance annual conference in Washington, D.C.

Mr. Adler made the presentation regarding proposed changes to the FFA, which are being made to integrate the new scope and schedule associated with DOE's Integrated Facility Disposition Program (IFDP). Mr. Owsley noted the State's interest in hearing about concerns the City might have regarding the proposed changes. Mr. Adler added that DOE has received several requests to extend the comment period beyond the original February 27<sup>th</sup> deadline, and the agency anticipated approving the requests.

After lengthy discussion, the Committee urged DOE and TDEC to extend the comment period, and voted 3-0 to recommend that staff prepare comments regarding the proposed changes to the FFA.

With regard to GNEP, staff reminded the Committee that at its December meeting, the Committee voted 3-0 to recommend that Council reaffirm its support for the GNEP concept. Staff will prepare a resolution for Council's consideration prior to the DOE's March 2009 deadline for comments.

In support of these actions, the Intergovernmental Relations Special Committee recommends the adoption of the attached resolutions. The Committee will continue to meet on a regular basis to monitor these and other intergovernmental issues.



---

Thomas L. Beehan

Attachments

**RESOLUTION**

WHEREAS, the United States Department of Energy's (DOE) Oak Ridge Reservation (ORR) was placed on the Environmental Protection Agency's (EPA) National Priority List in 1989 pursuant to the Comprehensive Environmental Response, Compensation and Liability of 1980 (CERCLA), and Superfund Amendments and Reauthorization Act of 1986 (SARA); and

WHEREAS, the DOE, EPA, and State of Tennessee (State) entered into a Federal Facilities Agreement (FFA) in 1994 to satisfy the requirements for an interagency agreement under Section 120 of CERCLA, U.S.C. § 9620, for the ORR; and

WHEREAS, the FFA defines the scope and schedule for the environmental remediation of the ORR, which is located predominantly within the corporate limits of the City of Oak Ridge; and

WHEREAS, the DOE, EPA, and State are proposing changes to the FFA to accommodate the new cleanup scope associated with DOE's Integrated Facility Disposition Program, and are seeking public comment on the proposed changes; and

WHEREAS, the City of Oak Ridge desires to officially comment to DOE, EPA, and the State on the proposed changes to the FFA; and

WHEREAS, the City Manager recommends transmittal of the attached document titled *City of Oak Ridge Comments on the Proposed Major Modification to the Federal Facilities Agreement for the Oak Ridge Reservation (February 2009)*.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is the approved and the attached comments titled *City of Oak Ridge Comments on the Proposed Major Modification to the Federal Facilities Agreement for the Oak Ridge Reservation (February 2009)* be transmitted to the U.S. Department of Energy, the Environmental Protection Agency, and State of Tennessee as the official comments of the City of Oak Ridge.

This the 9th day of March 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

***City of Oak Ridge Comments on the Proposed Major Modification to the  
Federal Facilities Agreement for the Oak Ridge Reservation (February 2009)***

1. The City of Oak Ridge commends the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and the State of Tennessee (State) for their cooperation in working toward a modified Federal Facilities Agreement (FFA) that will govern the cleanup of the Oak Ridge Reservation (ORR) for the foreseeable future. Because most of the ORR is located within the corporate limits of the City of Oak Ridge, the City strongly urges the parties to consult with the City as an intergovernmental partner in the development and implementation of plans for the ORR. Such consultation should occur early in the decision making process to facilitate input from the local jurisdiction most affected by the activities of DOE, EPA, and the State. Frequent consultation is also important because most of the information provided for public review states that "The information presented in this fact sheet is preliminary and will be refined during Critical Decision-2/3 development."
2. The City strongly supports the proposed modification to the FFA to include new cleanup scope associated with the Integrated Facility Disposition Program (IFDP). Implementation of the IFDP will result in the elimination of many of the high-risk legacies stemming from the Federal Government work performed in support of the Manhattan Project and Cold War. Implementation of the IFDP will also enable the ongoing modernization of the Y-12 National Security Complex and the Oak Ridge National Laboratory. Completion of the modernization is critical, not only to national and energy security, but also to protect human health and the environment. Thus, the DOE's mission priorities should include the environmental objective to make elimination and/or containment of the most serious environmental liabilities among the highest of ORR priorities. Doing so will demonstrate DOE's commitment to cleanup and help make the case for long-term funding to complete extended cleanup.
3. The City appreciates the complexity of the extended environmental cleanup. However, the City strongly urges the parties to develop budgets and request sufficient funding to provide for the successful completion of the IFDP, including the remediation of soils, surface and groundwater.
4. The City concurs with the stated policy that whenever practicable, remedial action and D&D wastes will be managed using volume reduction and alternate disposal alternatives to help ensure the optimal use of the on-site Environmental Management Waste Management Facility (EMWMF), also referred to as the "CERCLA waste facility."
5. The fact sheet for the EMWMF states that an effort is underway to modify the existing approved design for Cell 5 to allow for the potential for future construction of Cell 6, which would take the EMWMF to a total capacity of 2.2 million cubic yards. The fact sheet further states: "the forecast cost for the design and expansion of Cell 5 is approximately \$33 million, including contingency and escalation. The cost for the additional expansion of EMWMF to 2.2 million cubic yards (Cell 6) would be approximately the same, plus additional escalation." It is unclear from the information provided whether the total expansion cost is \$33 million or \$66 million, plus escalation. In either event, *DOE must clarify the costs, and provide a detailed life cycle cost analysis that shows the total cost of monitoring, repairing, and the EMWMF in perpetuity versus the costs of disposal in a facility outside of Oak Ridge.* Such analysis is critical to the community, as DOE, EPA and the State are asking the community to accept the long-term risks associated with the presence of a permanent radioactive waste repository within its city limits.

6. The City urges the State and DOE to include city representatives in discussions regarding proposed modifications to the State's Trust fund agreement pursuant to the EMWMF, and/or additional on-site disposal facilities.

7. The City discourages the routine use of the CERCLA-authorized *Explanation of Significant Differences* to make changes to Records of Decision (RODs). However, should the parties determine the use of the procedure is necessary, the City urges the parties to provide notification to the City and to the public, with an opportunity for comment prior to making proposed changes.

**RESOLUTION**

WHEREAS, the former President of the United States announced the Global Nuclear Energy Partnership (GNEP) in February 2006 as a comprehensive strategy to reduce American dependence on fossil fuels, to improve the environment, and to further reduce the risk of nuclear proliferation; and

WHEREAS, the U.S. Department of Energy (DOE) solicited applications from eligible entities to perform detailed siting studies for potential sites to host one or more of the facilities required to accomplish GNEP's objectives; and

WHEREAS, the Oak Ridge City Council adopted Resolution 9-109-06 on September 5, 2006 endorsing DOE's GNEP program, the consideration of Oak Ridge as a suitable location of the facilities required to accomplish GNEP's objectives, and the performance of a detailed study of potential sites on the Oak Ridge Reservation; and

WHEREAS, in 2007 the City of Oak Ridge (City) received a grant from the Community Reuse Organization of East Tennessee (CROET) to assist in the evaluation of the City stakeholders' sentiments about the presence of GNEP facilities as part of a detailed site study, and to provide input into possible impacts on the City's utilities and infrastructure; and

WHEREAS, the DOE published the *Draft Global Nuclear Energy Partnership Programmatic Environmental Impact Statement, DOE/EIS-0396*, (Draft PEIS) in October 2008 to evaluate six domestic programmatic alternatives representing different closed nuclear fuel cycles; and

WHEREAS, in support of the GNEP program, the Mayor of Oak Ridge and other City Council members attended a public hearing on the Draft PEIS, held in Oak Ridge on December 2, 2008; and

WHEREAS, the DOE is soliciting public comments on the Draft PEIS; and

WHEREAS, the Oak Ridge City Council strongly supports the expanded use of nuclear energy in the advancement of national nuclear security, and the GNEP goal to advance research and development in the field of nuclear waste recycling and management; and

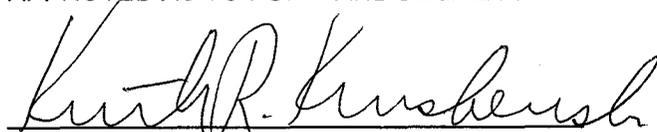
WHEREAS, the City Manager recommends transmittal of the attached comments titled *City of Oak Ridge, Tennessee Comments on the Draft Global Nuclear Energy Partnership Programmatic Environmental Impact Statement, DOE/EIS-0396* to the U.S. Department of Energy as the official comments of the City of Oak Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached comments titled *City of Oak Ridge, Tennessee Comments on the Draft Global Nuclear Energy Partnership Programmatic Environmental Impact Statement, DOE/EIS-0396* be transmitted to the U.S. Department of Energy as the official comments of the City of Oak Ridge.

This the 9th day of March 2009.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

***City of Oak Ridge, Tennessee Comments on the Draft Global Nuclear Energy Partnership Programmatic Environmental Impact Statement, DOE/EIS-0396***

The City of Oak Ridge has been engaged in the GNEP program since its inception three years ago when GNEP was introduced as a comprehensive strategy to reduce American dependence on fossil fuels, to improve the environment, and to further reduce the risk of nuclear proliferation.

In September 2006, the Oak Ridge City Council endorsed DOE's GNEP program, including the consideration of Oak Ridge as a suitable location for the facilities required to accomplish GNEP's objectives, and the performance of a detailed study of potential sites on the Oak Ridge Reservation.

The City Council also recommended the provision of funding for evaluation of City stakeholders' sentiments about the presence of GNEP facilities as part of a detailed site study.

In 2007, the Community Reuse Organization of East Tennessee (CROET) received a grant from DOE to undertake site analysis for a proposed GNEP facility in Oak Ridge. The City of Oak Ridge participated in the process to provide input into possible impacts on the City, including socioeconomic impacts, environmental impacts, and impacts to the City's utilities and other infrastructure.

Stakeholder input resulting from this process revealed overall community support for the GNEP objectives, and that DOE's resources in Oak Ridge should play a significant role in meeting those objectives.

During this period, the City also participated in several meetings convened by the Energy Communities Alliance—the organization of communities that host DOE facilities across the nation—to analyze the GNEP proposal. These communities are united in their belief that nuclear energy should represent a much larger component of the U.S. energy portfolio, and that a program to “close” the nuclear fuel cycle is a prudent economic investment.

With that as background, DOE's current goals for the GNEP program have shifted from making decisions regarding the construction of specific facilities, to moving forward with a programmatic decision regarding the fuel cycle.

In the PEIS, DOE evaluates six domestic programmatic alternatives representing different closed nuclear fuel cycles. Although the agency is not yet proposing project-specific or site-specific actions to deploy or demonstrate any one of the technologies, the PEIS establishes a good framework for a sound policy decision. This is the case for several reasons.

First, closing the nuclear fuel cycle will support domestic expansion of nuclear energy production, thus reducing America's reliance on foreign sources.

The U.S. Energy Information Administration (EIA) predicts that total electricity sales will increase by 29 percent by the year 2030. No one resource alone can meet that demand. The country needs a reliable energy mix that includes renewable energy, wind, solar, natural gas, coal and nuclear. If we do not maintain a diverse energy portfolio, we risk overdependence on one resource as well as risking our energy security.

Second, closing the fuel cycle can potentially solve two problems long associated with nuclear power: the disposition of nuclear waste management and the risk of proliferation.

GNEP proposes to close the nuclear fuel cycle by recycling used fuel and making some of the material that would have been disposed into new reactor fuel. Advanced technologies for recycling nuclear fuel could reuse as much as 90 percent of the energy in a fuel rod. Although past

U.S. reprocessing of spent nuclear reactor fuel for defense purposes and for management of commercial reactor fuel resulted in environmental problems, continued research and development in reprocessing technology gives confidence that future reprocessing can be done safely and efficiently.

Thus, a GNEP program could reduce the volume, thermal output, and/or toxicity of spent nuclear fuel or other wastes requiring geologic disposal. The PEIS also examines options such as the Reliable Fuel Services Program and the development of a "grid-appropriate reactor" that enhance U.S. nonproliferation goals.

Third, research and development of advanced nuclear technologies can create and retain the type of "green jobs" that will support the 21<sup>st</sup> Century American workforce. The International Atomic Energy Agency expects at least 60 new plants to be built worldwide in the next 15 years. In the U.S., industry is making plans to build more than 30 new reactors over the next decade (creating between 1,400 to 1,800 jobs during construction, and 400 to 700 permanent jobs once the plant is in operation).

The PEIS promotes sound solutions to energy problems that the nation should have the resolve to fix, and not pass on to future generations. Oak Ridge has the perfect combination of proficient management, highly- skilled workforce, and advanced facilities that could support nuclear research and development as illustrated in the PEIS.

The City of Oak Ridge urges the new Administration and Secretary Chu to support an expansion of nuclear power, and to continue to advance research and development in the field of nuclear waste recycling, management, and disposal.

# ELECTIONS

**BOARD OF  
ELECTRICAL  
EXAMINERS**

CITY OF OAK RIDGE, TENNESSEE  
BOARDS AND COMMISSIONS

**TIME IN OFFICE AND ATTENDANCE RECORD**

NAME: Jeff C. Lewis

BOARD OR COMMISSION: Board of Electrical Examiners

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 12/13/93

Number of Terms Served 5

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 10

Number of Absences 2

Date Prepared 3/16/09

Attachment: Resume

RECEIVED

2009 FEB 17 AM 9:08

OFFICE OF THE CITY CLERK

# Jeff C. Lewis

110 Concord Road  
Oak Ridge, TN 37830  
Jeffclewis58@gmail.com  
865-740-4549

## EDUCATION

June 1979

**Roane State Community College**

Electrical and Electronic Courses

June 1976

**Oak Ridge High School**

High School Diploma

## EXPERIENCE

February 1981-present

**Lewis Electric Company**

*Owner and Operator*

-Manage 20-40 employees on a daily basis

-Organize and implement job assignments

-Maintain and repair electrical infrastructures

January 1975- May 1980

**Latham Electric Company**

*Apprentice Journeyman Electrician*

-Assisted with daily electrical tasks

## CERTIFICATIONS

May 2000- present

**Certified Home Inspector**

June 1980- present

**Journeyman Electrician License**

June 1981-present

**Electrical Contractor License**

July 1989-present

**State of Tennessee CE License Electrical Contractor**

## AWARDS

**Best Electrician of Oak Ridge & Anderson County**

*Nominated 2003, 2004, 2005, 2006, 2007, 2008*

## ACTIVITIES

May 1985-present

**City of Oak Ridge Board of Electrical Examiners**

August 1988-August 1992

**Board of Education**

*St. Mary's School, Oak Ridge*

March 1985- March 1989

**Board of Directors**

*Medical Credit Union, Oak Ridge*

## ADDITIONAL INFORMATION

-Proficient with the installation and troubleshooting of all types of electrical systems (low and high voltage)

-Completed multiple projects for ADT, Gallaher & Associates, Martin Marietta BWXT, TVA, and Jacobs Engineering

**HIGHLAND VIEW  
REDEVELOPMENT  
ADVISORY  
BOARD**

RECEIVED

2009 FEB 23 PM 1:57

OFFICE OF THE CITY CLERK

To Whom It May Concern:

My name is Joan Carden. As an owner of properties in the Highland View area, I am keenly interested in serving on the Highland View Redevelopment Advisory Board.

I remember Highland View when it was as attractive in both appearance and reputation as any other neighborhood in Oak Ridge. I also remember not-too-long-ago conversations regarding a Highland View property that was thoroughly renovated inside and outside, and the minute the location was presented, discussions of that property were ended. Conditions do seem to be improved. I would hope that I could contribute to a continued progress of development.

Sincerely,

A handwritten signature in cursive script that reads "Joan E. Carden". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Joan E. Carden  
430 South Illinois Avenue  
Oak Ridge, Tennessee 37830

Phone (865) 483-5198

Date February 21, 2009

Home address:

114 Wiltshire Drive  
Oak Ridge, TN 37830

**Bernard, Jacquelyn**

**From:** Steve & Mary Ann [sdhamel@comcast.net]  
**Sent:** Sunday, February 22, 2009 12:08 PM  
**To:** Bernard, Jacquelyn  
**Cc:** LCharlesHensley  
**Subject:** Highland View Redevelopment Advisory Board

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2009 FEB 23 PM 2: 35

OFFICE OF THE CITY CLERK

Dear Mrs. Bernard:

Charlie Hensley has asked if I would be willing to serve on the Highland View Advisory Board. I am agreeable to being a candidate for the board and am providing the following very brief resume for the City Council's consideration:

**Education:**

University of Pittsburgh B.S. In aeronautical engineering 1960  
Oak Ridge School of Reactor Engineering 1961  
University of Tennessee JD 1968

**Work Experience:**

Forty years of employment with the Atomic Energy Commission/Department of Energy where I served as Assistant Chief Counsel for Intellectual Property prior to my retirement in 2000.

Nine years under contract with ORNL Office of General Counsel consulting on Intellectual Property matters in support of ORNL's Technology Transfer Mission 2000-present.

Served as President of the Board of Directors of the Oliver Springs Airport for the past 15 years.

Resident of Oak Ridge since 1960.

Regards,

Stephen D. Hamel

13 Windhaven Lane  
Oak Ridge, Tennessee

**INDUSTRIAL  
DEVELOPMENT  
BOARD**

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2009 FEB 10 PM 1:24  
OFFICE OF THE CITY CLERK

February 10, 2009

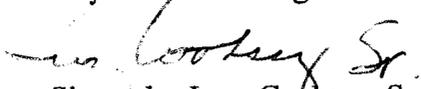
Oak Ridge City Council  
Oak Ridge, Tennessee

Pursuant to the article in the Oak Ridger Feb. 10, 2009, please find attached my resume' for consideration as a member of the Industrial Development Board.

I believe that my background in banking, investments and business would prove very beneficial to this Board and as a concerned citizen of Oak Ridge, I will put the interest of all residents first in any decision-making.

I look forward to your response and ask that you call me at 228-7940.

Any consideration given to my request will be deeply appreciated.

  
Sincerely, Jerry Cooksey, Sr.

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2009 FEB 10 PM 1:24

GERALD L. COOKSEY

OFFICE OF THE CITY CLERK

PROFESSIONAL EXPERIENCE

2007-Current Business consultant and volunteer work.

1981-2007 Jericol Mining, Inc. Cumberland Gap, TN  
*Investment Manager*

- Management of multi-million dollar investment portfolios.
- Human Resources manager for approximately 200 employees.
- Manager of workers compensation, health and dental insurance plans.
- Contract administrator for all coal contracts.
- Managed multi-million dollar coal sales program, including selling coal and collection of accounts receivable.

1979-1981 American Fidelity Bank Corbin, KY  
*Executive Vice President*

1971-1979 Citizens Fidelity Louisville, KY  
*Bank Card Credit and Collection Manager*

1963-1971 First National Bank Louisville, KY  
*Manager, Retail Banking*

1996-2006 Commercial Bank Harrogate, TN  
*Director, Member of Audit Committee and Asset and Liability Committee*

POSITIONS CURRENTLY HELD

Kentucky Coal Producers Self-Insurance Fund Lexington, KY  
*Trustee, Chairman of Investment Committee*

EDUCATION

Indiana University Southeast Jeffersonville, IN

University of Oklahoma Norman, OK  
*Installment Credit School*

Northwestern University Evanston, IL  
*Bank Card School*

American Institute of Banking Washington, DC  
*Numerous courses*

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2009 FEB 23 AM 10:05

OFFICE OF THE CITY CLERK

*Louise B. Dunlap*  
*116 Clark Lane*  
*Oak Ridge, Tennessee 37830*

February 21, 2009

Mayor Beehan and Members of City Council  
City of Oak Ridge  
P. O. Box 1  
Oak Ridge, Tennessee 37831

Dear Mayor Beehan and Members of Council:

I am submitting my resume to be considered for the vacant position on the Industrial Development Board. As most of you know, I have been actively interested and involved in community activities for many years, and would like to have the opportunity to serve in this capacity.

My experience includes four and one-half years on the City Council, and several years of service on the Planning Commission. In both of these positions, one of my primary interests was in economic development in this community. While on Council I chaired the Economic Development Committee and the Partners for Progress, a group of government and business leaders focused on west end development.

If elected to the Industrial Development Board, I would continue to work toward responsible industrial and economic development in this community. In order to enhance and maintain the quality of life that we all enjoy, we must encourage and foster good growth. I would like to play a small role in trying to help that growth happen.

Thank you for your consideration. I will be happy to answer any questions that you may have.

Sincerely,

  
Louise Dunlap

RECEIVED

**Louise B. Dunlap**  
**116 Clark Lane**  
**Oak Ridge, Tennessee 37830**  
**483-9361 (H)**  
**805-0830 (C)**

2009 FEB 23 AM 10:05  
OFFICE OF THE CITY CLERK

## **EDUCATION**

B. S. Degree in Chemistry – University of Tennessee

Attended Graduate School of Business – University of Tennessee

Completed Lockheed Martin Leadership Skills Institute

Completed Advanced Management Course, Martin Marietta Energy Systems

Completed course in “Superconductivity: Basic Concepts and Applications, UCLA Extension

Completed Course in Basic Industrial Development, Georgia Institute of Technology

Completed Course for Women in Management, University of Tennessee

Completed 3 years, U. S. Chamber of Commerce, Institutes for Organizational Management

## **EMPLOYMENT**

2004-Present

Retired

2000 – 2003

Associate Director, ORNL Technology Transfer and Economic Development Directorate: Responsible for all technology transfer activities and facilitating the use of ORNL-developed technology to create new companies in the area.

1990 – 2000

Director, ORNL Office of Science and Technology Partnerships

## EMPLOYMENT, cont'd

1988 – 1990                      Manager, Industrial Partnership Program, ORNL High Temperature Superconductivity Pilot Center

1986 – 1988                      Director, Technology Applications, ORNL Office of Technology Transfer

1984 – 1986                      Assistant Director, Public Relations, Martin Marietta Energy Systems

1977 – 1984                      Executive Director, Oak Ridge Chamber of Commerce

1974 – 1976                      Economic Development Department, Oak Ridge Chamber of Commerce

1964 – 1974                      Active Civic Volunteer

1958 – 1963                      Analytical Chemistry Division, ORNL

1957                                  Undergraduate Assistant, Chemistry Department University of Tennessee

## HONORS

Oak Ridge Woman of the Year, 1986

Martin Marietta President's Award for Continuous Improvement, 1993

Knoxville Area YWCA Tribute to Women, Woman of the Year in Business and Government, 1994

## ACTIVITIES

Oak Ridge City Council, Chair, Economic Development Committee ; Representative to Energy Communities Alliance ; Chair, Partners for Progress

Former Chair and Current Member, CROET Board of Directors

Board of Directors, Oak Ridge Economic Partnership

ACTIVITIES, cont'd

Board of Directors, Oak Ridge Institute of Continued Learning

Former Chair and Current Member, Board of Directors, Methodist Medical Center Foundation

Former Chair and Current Member, Methodist Medical Center Advisory Board

Board of Visitors, UT Chemistry Department

Board of Governors, University of Tennessee

Board of Directors, Pellissippi State Community College Foundation

Member, Oak Ridge Planning Commission

Member, Oak Ridge Rotary Club

Past Chair, Oak Ridge Charter Commission

Past President, United Way of Anderson County

Past President, East Tennessee Industrial Council

Past Member, Board of Directors, Melton Hill Regional Industrial Development Association.

BOARD OF  
PLUMBING  
EXAMINERS

CITY OF OAK RIDGE, TENNESSEE  
BOARDS AND COMMISSIONS

**TIME IN OFFICE AND ATTENDANCE RECORD**

NAME: Gary M. Adkins

BOARD OR COMMISSION: Board of Plumbing Examiners

TIME IN OFFICE: Term of Office 3 Years

Date Appointed 3/17/08

Number of Terms Served No full term

ATTENDANCE RECORD (MOST RECENT TERM OF OFFICE):

Number of Meetings Held 4

Number of Absences 1

Date Prepared 3/16/09

Attachment: Resume

Gary M. Adkins  
65 Outer Drive  
Oak Ridge, TN 37830  
865-483-0167  
February 21, 2008

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2008 FEB 27 AM 10: 09  
OFFICE OF THE CITY CLERK

*Retired*

Employment History:

10/05 to *11/08* Present Equitable Construction Co.  
189 Louisiana Ave  
Oak Ridge, TN 37830  
Title: Plumbing Director

Brief Synopsis of Employment History

35 years + of plumbing related fields to include:

Sales & Warehouse  
Ferguson Enterprises & Knoxville Rubber & Gasket  
Warehouse Supervisor-Purchasing  
City of Oak Ridge  
Owner-Master Plumber  
Adkins Plumbing Service  
Investigator  
DPI

Education:

Graduate of Oak Ridge High School 1969  
University of Tennessee 1974  
Public Purchasing and Materials Management Seminars 1985  
General Public Purchasing Seminar 1986  
Former member of East Tennessee Purchasing Association  
Master Plumber Licensed in City of Oak Ridge

*2-5-08*

*Gary Adkins*

**CITY CLERK MEMORANDUM**  
09-12

DATE: February 26, 2009

TO: Honorable Mayor and Members of City Council

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: ELECTIONS – April 13, 2009

The following elections are scheduled for the April 13, 2009 City Council meeting:

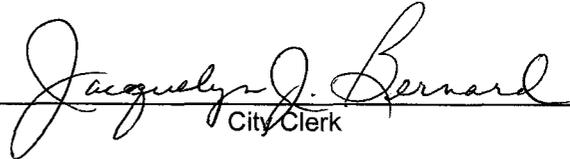
Environmental Quality Advisory Board

There is one (1) vacancy on the Environmental Quality Advisory Board due to the resignation of Ms. Carol Watson. There are no special qualifications for this seat and as of this date, there is one candidate: Mr. Bruce A. Nigh of 129 Scenic Drive. This unexpired term of office will end on September 29, 2011.

Health and Educational Facilities Board

There are three (3) vacancies on the Health and Educational Facilities Board. There are no special qualifications for these seats and as of this date, there are no candidates. These terms end on June 6, 2009, June 6, 2011 and June 6, 2013.

Deadline for Filing: The deadline for filing is 5:00 p.m. on Tuesday, March 31, 2009.

  
City Clerk

RECEIVED  
2009 FEB 26 AM 9:00  
OFFICE OF THE CITY CLERK

February 25, 2009

Dear Mayor, Tom Behan, and Honorable members of the City Council: Jane Miller, Elizabeth Smith, Willie Golden, David Mosby, Charlie Hensley and Tom Hayes:

I, the undersigned, Allen S. Billis, owner and operator of the Magnolia Tree Restaurant, humbly request consideration of property tax abatement for this plot.

Due to heavy construction of the Turnpike, our business has declined substantially. It is very hard for people to come in for lunch for ½ or an hour break. The slow traffic makes it impossible for out patrons to come in on their lunch hour.

I found out from Roger's Group (the main contractors) that this situation will continue to be this way until June of 2010. So, therefore, I need your help to get by.

I requested information from the committee that works with these types of things. The reply was that my investment is less than one million dollars. The only people who can help are the City fathers and mothers.

Right now the Magnolia Tree employs 17 people who are trying to make a living. Closing down like my predecessor ( J.R. Crickets) would not be a good thing for these people or the city of Oak Ridge.

I am requesting the same consideration from Anderson County. So please grant us 18 months of property tax abatement.

Thankfully & Respectfully



Allen S. Billis

Sheila E. Billis

**UPCOMING  
MEETINGS  
MAJOR ISSUES**

**CITY COUNCIL MEMORANDUM**  
**09-08**

DATE: February 26, 2009

TO: Honorable Mayor and Members of City Council

FROM: James R. O'Connor, City Manager

SUBJECT: UPCOMING MEETINGS/MAJOR ISSUES

Saturday, March 14, through Wednesday, March 18, 2009 – NLC Congressional-City Conference, Washington, D.C.

Monday, April 6, 2009, 6:30 p.m. – Agenda Review Session, Multipurpose Room, Central Services Complex

Monday, April 13, 2009, 7:00 p.m. – Regular Meeting

- Public Hearing - CDBG Annual Action Plan
- Large Sewer Interceptor
- Ambulance Service Property Transfer
- Transformer Rebuilding
- Indoor Pool Dehumidification
- Janitorial Services
- Sewer Cleaning and TV Inspection
- ETTP Water Tank Refurbishment
- FY 2010 Budget Presentation - City
- Bond Resolution – Completion of Oak Ridge High School

Monday, April 27, 2009, 6:30 p.m. – Work Session

- FY 2010 Budget

  
\_\_\_\_\_  
James R. O'Connor